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BEHRING SEA ARBITRATION.

Papers relating to the Proceedings of the Tribunal of Arbitration constituted under Article I of the Treaty concluded at Washington on the 29th February, 1892, between Her Britannic Majesty and the United States of America.

No. 1.

The Earl of Rosebery to Mr. Tupper.

Sir,

Foreign Office, February 17, 1893.

THE first meeting of the Tribunal in the Behring Sea Arbitration having been fixed for the 23rd instant, I have to request you to proceed to Paris to attend it.

Her Majesty's Attorney-General, Sir Richard Webster, Q.C., and Mr. C. Robinson, Q.C., of Canada, will also attend the meeting as Counsel on behalf of Her Majesty's Government, and will be ready to give you their advice and support.

It will probably be convenient that you should be in Paris two or three days previous to that date in order to enter into informal communications with the United States' Agent, or with the gentleman whom he may have delegated to represent him, for the purpose of arranging the course of procedure to be adopted before the Tribunal.

You are aware, from the correspondence which has already been forwarded to you, that it has been agreed by the Governments of Her Britannic Majesty and the United States that the first meeting of the Tribunal shall be attended by one Arbitrator on the part of Great Britain, one on the part of the United States, and one of the three Arbitrators selected by the foreign Governments.

At this first meeting the Agent of the United States will apply for an adjournment of the Tribunal to the 23rd March, to which date the presentation of the printed Argument would thereby be postponed, and you are authorized to concur in the application.

It has further been agreed that all matters other than that of this adjournment, and such action as may be deemed by the Arbitrators present as necessary for the organization of the Tribunal, shall be postponed to the full meeting on the 23rd March.

Amongst the subjects which may be classed in the category of those to be discussed at the first meeting are the following:—

1. The question whether the proceedings before the Tribunal shall be kept secret until its close, and whether such secrecy shall apply to the Case, Counter-Case, and Argument presented on either side.

The matter seems to Her Majesty's Government to be one for the decision of the Arbitrators. It would probably be found convenient for them that the discussions should be considered as confidential while they are proceeding. There does not appear to be the same objection to the publication of the Cases, Counter-Cases, and Arguments, nor of the Reports of the Behring Sea Commissioners, respecting which latter the Treaty only stipulates that they shall not be made public until they shall have been submitted

[redacted]he Arbitrators. But in respect to these documents also, Her Majes[redacted] Government [redacted]willing to follow the course which may appear most convenient to the [redacted]bitrators.

2. The question of the appointment of a Secretary or of Joint-Se[redacted]aries to the [redacted]ribunal.

As the French Government will provide the place of meeting, and [redacted]the French Arbitrator has consented to attend the first sitting, he will no doubt b[redacted]signated by the Arbitrators as President of the Tribunal, and he will probably hav[redacted]roposals to make as to the choice of a Secretary or Secretaries, and as to the ar[redacted]ements for clerical assistance and the printing of the Protocols.

As soon as the business connected with the first meeting is complet[redacted]you will be at liberty to return to London, in order to proceed with the preparation [redacted]the printed Argument.

I have to request you to furnish me with Reports of each meeting of [redacted]e Tribunal, both on the first occasion and subsequently when the full meetings tak[redacted]place, in a numbered series of despatches according to the forms in use in this Office.

You will refer to me, by telegraph, for instructions on any doubtful [redacted]nts which may call for immediate decision.

I am, &c.
(Signed) RO[redacted]ERY.

No. 2.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, February 17*[redacted]93.

WITH reference to my preceding despatch of this day's date, I have to in[redacted]you that I have appointed Mr. R. P. Maxwell of this Office, and Mr. Ashley [redacted]de, C.M.G., late Secretary of the Behring Sea Commission, to assist you in your [redacted]as British Agent in the Behring Sea Arbitration.

These gentlemen will accompany you to Paris for the first meeting [redacted]he Tribunal on the 23rd instant, and for the subsequent meetings which will co[redacted]e on the 23rd proximo.

I am, &c.
(Signed) ROSEBER[redacted]

No. 3.

Mr. Tupper to the Earl of Rosebery.—(*Received February* 22.)

(Telegraphic.) *Paris, February* 22, 1893.

BEHRING SEA Arbitration.

The meeting of the Tribunal is fixed for 11 o'clock on Thursday morning.

Baron de Courcel has suggested to the United States' Acting Agent and myself that the adjournment shall extend to the 6th April instead of to the 23rd March, and that on 30th March the printed arguments shall be handed in to the Arbitrators.

The proposed adjournment would defer the second meeting till after Holy Week, and would enable the Tribunal to consider the argument without further adjournment, which would be necessary for that purpose were 23rd March to be date of the second meeting.

The United States' Acting Agent is telegraphing to his Government for instructions.

Sir Richard Webster and Mr. Robinson approve, subject to the views of Her Majesty's Attorney-General, who has not yet arrived here.

Does the proposal meet with your Lordship's approval?

No. 4.

The Earl of Rosebery to Mr. Tupper.

(Telegraphic.) *Foreign Office, February* 22, 1893.

THE course proposed by Baron de Courcel seems to be convenient. I approve the arrangement as stated in your telegram of to-day.

No. 5.

Mr. Tupper to the Earl of Rosebery.—(*Received February* 23.)

My Lord, *Paris, February* 21, 1893.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 17th instant, containing instructions for my guidance at the first meeting of the Behring Sea Arbitration Tribunal, and informing me that Mr. R. P. Maxwell and Mr. Ashley Froude would accompany me to Paris.

I have the honour to inform your Lordship that, in accordance with your instructions, I left London yesterday, and arrived here the same evening, accompanied by the above-mentioned gentlemen and my Private Secretary, Mr. J. Pope.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 6.

Mr. Tupper to the Earl of Rosebery.—(*Received February* 23.)

My Lord, *Paris, February* 21, 1893.

I HAVE the honour to inform your Lordship that I called this morning at Her Majesty's Embassy, accompanied by Mr. Maxwell, Mr. Froude, and my Secretary, Mr. Pope, and saw Mr. Austin Lee, from whom I obtained much useful information in connection with the meeting of the Tribunal of Arbitration.

Finding that Mr. William Williams, the Junior Counsel for the United States, was staying at the Hôtel Continental, I called upon him, and learned that he had been delegated to represent Mr. Foster, the Agent of the United States, pending the latter gentleman's arrival in Paris.

We then by arrangement made several official visits together, and endeavoured to see Baron de Courcel, in order to make an appointment for the meeting of the Tribunal on Thursday.

Having failed to find his Excellency at home, we have made an appointment to call on him together to-morrow morning, at 10 o'clock.

Lord Hannen and Mr. Justice Harlan have expressed their willingness to meet at any hour which may be agreeable to Baron de Courcel.

I am of opinion, if your Lordship should see no objection, that the agreement as to the secrecy of the Cases and Counter-Cases should not be prolonged beyond the 23rd instant; but that in regard to this question, as well as to that of opening the proceedings of the Tribunal to the public, it would be advisable to defer to whatever opinion the Arbitrators may express on the subject.

Mr. Williams has intimated to me that his Government desired the publication of the Cases and Counter-Cases, and he considered that the agreement as to secrecy would terminate on the 23rd instant.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 7.

The Marquis of Dufferin to the Earl of Rosebery.—(Received February 23.)

My Lord, *Paris, February 22, 1893.*

I HAVE the honour to transmit herewith copy of a letter which I have received from the Minister of the United States in Paris, informing me that Mr. William Williams, Associate Counsel of the United States before the Tribunal of Arbitration convened to decide the questions of fur-seals, has been designated to act as Special Agent of the United States at the meeting of the Tribunal to be held on the 23rd instant.

I have, &c.

(Signed) DUFFERIN AND AVA.

Inclosure in No. 7.

Mr. Coolidge to the Marquis of Dufferin.

My Lord, *Paris, February 21, 1893.*

I HAVE the honour to inform your Excellency that Mr. William Williams, Associate Counsel of the United States before the Tribunal of Arbitration convened to decide the question of fur-seals, has been designated to act as Special Agent of the United States at the meeting of the Tribunal on the 23rd instant.

I have, &c.

(Signed) J. JEFFERSON COOLIDGE.

No. 8.

Mr. Tupper to the Earl of Rosebery.—(Received February 23.)

(Telegraphic.) *Paris, February 23, 1893, 6 P.M.*

THE Tribunal has decided to adjourn until the 23rd March, the further adjournment referred to in my telegram of yesterday not having been agreed to by the Government of the United States.

With regard to the publication of the Cases and Counter-Cases, the Tribunal decided that the matter did not come under their consideration; and I understand that it is the intention of the United States' Government to publish these documents.

No. 9.

The Marquis of Dufferin to the Earl of Rosebery.—(Received February 25.)

My Lord, *Paris, February 24, 1893.*

THE Behring Sea Arbitration Tribunal held its first meeting yesterday at th Ministry of Foreign Affairs. It was attended by Baron de Courcel, the French Arbi trator (who was requested by his colleagues to act as President for the occasion), b Lord Hannen, the British Arbitrator, and Mr. Justice Harlan, the United State Arbitrator, as well as by the Honourable C. H. Tupper, the British Agent, an Mr. W. Williams, acting as Agent for the United States in the place of Mr. Foster who has not yet arrived.

No Counsel were present on behalf of the United States, but Sir Charles Russell and Sir Richard Webster attended as Counsel on behalf of Great Britain.

On the proposal of the United States' Acting Agent, supported by the British Agent, the Tribunal adjourned till the 23rd March, and it was agreed that, pending a decision to be taken by the full Tribunal, the proceedings should be kept secret.

I took the opportunity of a ball at the Élysée in the evening to present Lord Hannen and Mr. Tupper to the President of the Republic.

I have, &c.
(Signed) DUFFERIN AND AVA.

No. 10.

Mr. Tupper to the Earl of Rosebery.—(*Received February* 27.)

My Lord, *Paris, February* 23, 1893.

AFTER a conversation yesterday with Baron de Courcel and Mr. Williams, the Acting Agent for the United States, I had the honour to inform your Lordship by telegraph that a suggestion had been made by the former to the effect that the Tribunal of Arbitration should be adjourned till the 6th April, and the presentation of the printed arguments postponed till the 30th March.

I duly received your Lordship's telegram of yesterday, informing me that you approved of this proposal.

Mr. Williams, however, stated to me this morning that his Government had instructed him to object to the proposed postponement beyond the 23rd March, though, he added, it was probable that after the meeting on that date an adjournment might be desirable for a few days.

No allusion was therefore made to the question of an extended adjournment at the meeting of the Tribunal to-day.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 11.

Mr. Tupper to the Earl of Rosebery.—(*Received February* 27.)

My Lord, *Paris, February* 24, 1893.

I HAVE the honour to transmit herewith to your Lordship a copy of the Protocol of the first meeting of the Behring Sea Tribunal of Arbitration, which was held at 11 o'clock yesterday morning at the French Ministry of Foreign Affairs.

This Protocol, which is drawn up in the French language, was finally approved and signed by the three Arbitrators at an informal meeting held this morning, and attended by the Agents of the two Governments in accordance with the request of the Tribunal.

An English version of the Protocol has been prepared, and will be signed to-morrow by Mr. Williams and myself.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure in No. 11.

Protocoles des Seances du Tribunal d'Arbitrage, constitué en vertu de la Convention du 29 Fevrier, 1892, signée à Washington entre le Gouvernement des États-Unis et de Sa Majesté Britannique.

Protocole I.—Séance du 23 Février, 1893.

LE Tribunal s'est réuni à Paris dans l'Hôtel du Ministère des Affaires Étrangères de France.

Les Arbitres présents étaient:—

L'Honorable John M. Harlan, Juge de la Cour Suprême des États-Unis, un des Arbitres désignés par les États-Unis;

Son Excellence le Baron Alphonse de Courcel, Sénateur, Arbitre désigné par la France;

Le Très Honorable Lord Hannen, Pair d'Angleterre, siégant à la Cour Suprême d'Appel, un des Arbitres désignés par la Grande-Bretagne;

Lesquels se sont assurés que leurs pouvoirs respectifs étaient en bonne et valable forme.

M. le Baron de Courcel est invité par ses collègues à prendre place au fauteuil de la Présidence pour la présente séance.

Assistent à la séance:—

M. William Williams, en qualité d'Agent Spécial et Conseil Adjoint pour les États-Unis, et

L'Honorable Charles H. Tupper, en qualité d'Agent de Sa Majesté Britannique.

MM. Williams et Tupper ont déposé sur le bureau du Tribunal Arbitral les Commissions qui les accréditent devant le Tribunal.

Assistent également à la séance, en qualité de Conseils du Gouvernement Britannique:—

Sir Charles Russell, Conseil de la Reine, Membre du Parlement, Attorney-Général de Sa Majesté Britannique;

Sir Richard Webster, Conseil de la Reine, Membre du Parlement;

M. Christopher Robinson, Conseil de la Reine.

Le Président a invité M. Henry Feer, ancien Consul-Général de France, à rédiger le Protocole de la séance, avec le concours de MM. Williams et Tupper.

M. Williams, agissant au nom du Gouvernement des États-Unis, demande que le Tribunal s'ajourne au 23 Mars.

M. Tupper, au nom du Gouvernement Britannique, appuie la demande de M. Williams.

Sir Charles Russell, Principal Conseil de la Grande-Bretagne, déclare que les Conseils, quoique informés d'avance de la demande qui devait être présentée, ont tenu, par déférence pour le Tribunal Arbitral, à se présenter à cette première séance.

Le Tribunal Arbitral, faisant droit à la demande, qui lui est adressée au nom des deux parties, décide de s'ajourner au 23 Mars.

La question de la publication des Mémoires et Contre-Mémoires ayant été posée, les Arbitres déclarent qu'elle n'est pas de leur compétence.

Quant à la publication du Protocole de la présente séance, les Arbitres présents se trouvant pas en nombre suffisant pour prendre une décision de nature à lier p l'avenir le Tribunal Arbitral, déclarent que jusqu'à nouvel ordre le Protocole de séance du 23 Février demeurera secret.

Le Tribunal Arbitral s'ajourne au 23 Mars.

Ainsi fait à Paris, le 23 Fervrier, 1893, et ont signé:

Le Président	ALPH. DE COURCEL
L'Agent Spécial des États-Unis ..	WILLIAM WILLIAM
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPE
Le Secrétaire..	H. FEER.

[For translation, see Inclosure in No. 13.]

No. 12.

Mr. Tupper to the Earl of Rosebery.—(*Received February* 27.)

My Lord, *Paris, February* 24, 1893.

TO supplement the report of the proceedings of yesterday's meeting of the Tribunal, contained in the Protocol which is inclosed in my immediately preceding despatch, I have the honour to furnish your Lordship with the following account of what took place.

Baron de Courcel, having taken the Chair as President, stated that the object of the Tribunal was to consider the propriety of commencing the proceedings if neither of the Agents had any objection.

If there were any objection or any proposal to make, such as the question of an adjournment, it should come from the Agents of the parties, and now was the time it should be made.

Mr. Williams thereupon made his proposal for an adjournment till the 23rd March, to which I assented, and to which the Tribunal agreed.

Sir Charles Russell then addressed the Tribunal as recorded in the Protocol.

The President next requested the Agents to inform their respective Governments, and to cause the four Arbitrators who were not present to be advised, of the decision of the Tribunal in regard to the adjournment. He added that the Arbitrators present did not feel able, in the absence of their colleagues, to arrange for the appointment of a Secretary or Secretaries, but that for the purposes of the present meeting the Protocol would be prepared by M. Feer, formerly in the French Consular Service, with the assistance of the Agents of both parties.

The Protocols, he said, would be drawn up in French and English, French being the language of the country in which the Tribunal was assembled, and English that of the two nations who were interested in the Arbitration.

Mr. Williams then stated that the documents in the Case had up to the present been kept secret, in accordance with an Agreement between the two Governments, but that as neither party saw any reason for further extending the injunction of secrecy, he proposed that the Cases and Counter-Cases should become public property forthwith unless the Arbitrators saw any objection.

The President inquired whether I agreed to this proposal, and I replied in the affirmative.

The President, after consultation with his colleagues, then announced that the publicity of the Cases, Counter-Cases, and Arguments was not a question on which the Tribunal had to enter. The Agents on either side should act in regard to it in whatever way they might judge to be the best.

As to the proceedings before the Tribunal, he stated that they belonged to the Tribunal itself, and that the Arbitrators present had no right to give them to the public. They must be kept secret until the next meeting, when the full Tribunal would decide as to the proper course to be pursued.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 13.

Mr. Tupper to the Earl of Rosebery.—(*Received February* 27.)

[redacted]rd, *Paris, February* 25, 1893.

WITH reference to my first despatch of yesterday, I have the honour to transmit [redacted]r Lordship a copy of the English version of the Protocol of the first meeting of [redacted]hring Sea Arbitration Tribunal.

[redacted]his document has been certified as an accurate translation of the French original [redacted] Williams and myself, in accordance with the request of the Arbitrators.

[redacted]he original documents, as signed in both languages, remain for the present in the [redacted]y of Baron de Courcel's Secretary.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 13.

Protocols of the Meetings of the Tribunal of Arbitration constituted under the Convention of February 29, 1892, signed at Washington between the Governments of the United States and Her Britannic Majesty.

Protocol I.—Meeting of February 23, 1893.

THE Tribunal assembled at Paris at the French Ministry for Foreign Affairs.

The Arbitrators present were:—

The Honourable John M. Harlan, Justice of the Supreme Court of the United States, one of the Arbitrators named by the United States;

His Excellency Baron Alphonse de Courcel, Senator, the Arbitrator named by France;

The Right Honourable Lord Hannen, Lord of Appeal, one of the Arbitrators named by Great Britain;

Who, having assured themselves that their respective powers were in good and valid form,

Baron de Courcel was invited by his colleagues to take the chair as President for the present meeting.

There were present at the meeting:—

Mr. William Williams, as Special Agent and Associate Counsel of the United States;

The Honourable Charles H. Tupper, as Agent of Her Britannic Majesty.

Messrs. Williams and Tupper laid before the Tribunal of Arbitration the Commissions empowering them to act before the Tribunal.

There were also present at the meeting, as Counsel for Her Britannic Majesty's Government:—

Sir Charles Russell, Q.C., M.P., Her Britannic Majesty's Attorney-General;

Sir Richard Webster, Q.C., M.P., and

Mr. Christopher Robinson, Q.C.

The President invited M. Henri Feer, formerly a Consul-General of France, to draw up the Protocol of this meeting, with the assistance of Messrs. Williams and Tupper.

Mr. Williams, acting for the Government of the United States, asked that the Tribunal adjourn till the 23rd March.

Mr. Tupper, in the name of the British Government, supported the request of Mr. Williams.

Sir Charles Russell, the leading Counsel for Great Britain, stated that the Counsel, though previously aware of the request which would be made, thought it right to attend the first meeting out of respect for the Tribunal of Arbitration.

The Tribunal of Arbitration acceded to the request made in the name of the two parties, and agreed to adjourn to the 23rd March.

The question of the publication of the Cases and Counter-Cases having been mentioned, the Arbitrators stated that it was not a subject for their consideration.

In regard to the publication of the Protocol of this meeting, the Arbitrators present, finding themselves in insufficient number to give a decision which would bind the Tribunal of Arbitration for the future, announced that the Protocol of the meeting of the 23rd February should be kept secret until further orders.

The Tribunal of Arbitration adjourned till the 23rd March.

So done in Paris, the 23rd February, 1893, and have signed:

The President	ALPH. DE COURCEL
The Special Agent for the United States..	WILLIAM WILLIAM
The Agent for Great Britain	CHARLES H. TUPPE
The Secretary	H. FEER.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 14.

Mr. Tupper to the Earl of Rosebery.—(Received February 27.)

My Lord, *Paris, February 25, 1893.*

I HAVE the honour to inform your Lordship that, the business connected with the first meeting of the Behring Sea Tribunal of Arbitration having been completed this afternoon, I purpose leaving Paris to-morrow on my return to London, accompanied by the gentlemen attached to the staff of the Agency.

I have, &c.

(Signed) CHARLES H. TUPPER

No. 15.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, March 1, 1893.*

I HAVE received your despatch of the 24th ultimo, giving an account of what took place at the first meeting in Paris of the Behring Sea Arbitration Tribunal.

Your proceedings on that occasion are approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

No. 16.

Mr. Tupper to the Earl of Rosebery.—(Received March 3.)

My Lord, *Foreign Office, March 3, 1893.*

DURING my recent visit to Paris occasion was taken to arrange for the accommodation of the British Staff required for the presentation of the Case before the Tribunal of Arbitration.

In addition to the four gentlemen engaged as Counsel, viz., the Attorney-General, Sir R. Webster, Mr. C. Robinson, and Mr. Box, I respectfully suggest that the following should be attached to the Staff of the Agency:—Dr. G. M. Dawson, Mr. R. P. Maxwell, and Mr. G. F. Fairholme, of the Foreign Office; Mr. J. Anderson, of the Colonial Office; Mr. Ashley Froude; Mr. J. Pope, my Private Secretary; Mr. J. M. Macoun, Secretary to Dr. Dawson; and Mr. Charles Russell, the solicitor engaged in the case.

I have ventured to include the name of Dr. Dawson, as he is an officer in the service of the Canadian Government, and perhaps the only officer at the disposal of Her Majesty's Government who can be said to be conversant with the life and habits of the fur-seal. His presence at Paris I believe to be necessary, and I do not contemplate objection being taken on the part of the United States to our availing ourselves of his knowledge.

I do not propose, unless otherwise instructed by your Lordship, or unless occasion should arise after consultation with Counsel, to ask Sir G. Baden-Powell to attend.

In my opinion, his presence with Dr. Dawson might make it appear that the British Commissioners, who were appointed to make an impartial examination into seal life, were actively engaged in pressing the British Case before the Tribunal.

This I do not think desirable.

I learn that neither of the United States' Commissioners will be in Paris, though other officers of the United States familiar with seal life will be there.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 17.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, March* 8, 1893.

IN reply to your despatch of the 3rd instant, I have to inform you that I approve your recommendation that, in addition to the four gentlemen employed as Counsel, the following gentlemen should be attached to the Staff of the Agency for the presentation of the British Case before the Behring Sea Tribunal of Arbitration, viz., Dr. G. M. Dawson, Mr. R. P. Maxwell, Mr. Ashley Froude, Mr. J. Pope, Mr J. M. Macoun, and Mr. Charles Russell.

With regard to your suggestion that Mr. G. F. Fairholme, of this Office, should also be included as a member of the Staff, I shall be happy to comply with it should you find, after your arrival in Paris, that his presence would be desirable for the purpose of examining any further Russian documents that may be produced on the part of the United States.

It has also been arranged, after consultation with the Colonial Office, that Mr. J. Anderson, of that Department, shall be detached for such time as you may consider that he can be usefully employed.

In conclusion, I concur with you in the opinion that, for the reasons stated by you, it will be unnecessary that Sir G. Baden-Powell should be asked to attend in Paris, unless circumstances should make his presence expedient hereafter.

I am, &c.
(Signed) ROSEBERY.

No. 18.

Mr. Tupper to the Earl of Rosebery.—(Received March 21.)

My Lord, *Paris, March* 19, 1893.

I HAVE the honour to report that I left London on the 17th instant, and arrived here on that day, accompanied by Mr. M. Box, Mr. R. P. Maxwell, and my Private Secretary, Mr. J. Pope.

Her Majesty's Attorney-General, Sir R. Webster, Mr. C. Robinson, Dr. G. M. Dawson, Mr. A. Froude, Mr. C. Russell, and Mr. J. M. Macoun arrived in Paris last night.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 19.

Mr. Tupper to the Earl of Rosebery.—(Received March 23, 6·45 P.M.)

(Telegraphic.) *Paris, March* 23, 1893, 5·10 P.M.

THE Tribunal has adjourned till 4th April. It was decided that all proceedings should be public forthwith.

No. 20.

Mr. Tupper to the Earl of Rosebery.—(Received March 27.)

My Lord, *Paris, March* 25, 1893.

IT will be within your Lordship's recollection that on the 10th February last a Notice was addressed, at my request, by Sir Julian Pauncefote to the Agent for the United States for copies of certain documents quoted in the United States' Counter-Case.

Among these documents the Report of Mr. H. W. Elliott for the year 1890 was included.

Mr. Foster informed me, in his note of the 16th February, that the Government of the United States did not feel that they were bound by the Treaty to furnish a copy of the Report, and that he was therefore unable to comply with my request.

The matter appeared to me of so great importance, in consequence of the statements contained in the Report and of the prominent position occupied by Mr. Elliott on the question of seal life,* that, after consultation with Her Majesty's Attorney-General and the other Counsel engaged in the case, I addressed a letter to Mr. Foster, a copy of which is inclosed herewith, pressing for the production of the Report.

I have not yet received any reply to this letter.

Should Mr. Foster's answer not prove satisfactory, I propose to instruct Counsel to apply to the Tribunal to order the document to be produced.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure in No. 20.

Mr. Tupper to Mr. Foster.

Sir, *Paris, March* 23, 1893.

IN reference to your letter of the 16th February, 1893, in reply to my request for the production of the Report of Mr. H. W. Elliott, presented pursuant to Act of Congress, I desire to give you notice that the Government of Her Britannic Majesty will insist on their right to its production.

While desirous to avoid, as far as possible, contention on such matters before the Tribunal, I think it fair to give you notice that unless the Report, or a copy thereof, be produced, our Counsel will, on the 4th April, apply to the Tribunal to order its production.

In the event of your not having the Report, or a copy, in Paris, I give you this early intimation in order that you may communicate with the proper Department in Washington.

I am, &c.
(Signed) CHARLES H. TUPPER.

No. 21.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, March* 28, 1893.

I UNDERSTAND that, in consequence of the great mass of material which requires to be dealt with in the pleadings before the Tribunal of Arbitration, the Attorney-General and Sir R. Webster are desirous of having the services of Mr. F. T. Piggott, of the Middle Temple, who has already rendered considerable assistance in the preparation of the Argument presented on behalf of Her Majesty's Government.

I have therefore arranged with the Lords Commissioners of Her Majesty's Treasury that Mr. Piggott should proceed forthwith to Paris.

Mr. Piggott's position will be that of Secretary to the Attorney-General, from whom he will receive instructions as to the duties on which he shall be employed.

I am, &c.
(Signed) ROSEBERY.

No. 22.

Mr. Tupper to the Earl of Rosebery.—(Received March 29.)

My Lord, *Paris, March* 28, 1893.

I HAVE the honour to transmit, for your Lordship's information, the accompanying copies of a correspondence which has passed between the United States' Agent

* See British Argument, pp. 147 *et seq.*

and myself on the occasion of my having forwarded to the Arbitrators and to him copies of the Supplementary Report of the British Commissioners.*

Finding that Mr. Foster has communicated to the Arbitrators a copy of his note to me protesting against the admission of the document, I have forwarded to them a copy of my reply.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 22.

Mr. Tupper to the Behring Sea Arbitrators and Mr. Foster.

THE Undersigned, Agent of Her Britannic Majesty, appointed to attend the Tribunal of Arbitration, has the honour to transmit herewith to
copies, in duplicate, of the "Supplementary Report of the British Commissioners appointed to inquire into Seal Life in Behring Sea," referred to on p. 166 D of the Counter-Case presented on behalf of the Government of Her Britannic Majesty.

Duplicate copies of this document have been forwarded to the Agent of the United States [each of the Arbitrators].

The Undersigned has the honour to renew to the assurance, &c.

Paris, March 25, 1893.

Inclosure 2 in No. 22.

Mr. Foster to Mr. Tupper.

THE Undersigned, Agent of the United States before the Tribunal of Arbitration convened in accordance with the provisions of the Treaty between the United States and Great Britain of the 29th February, 1892, has the honour to acknowledge the receipt, at 4·45 P.M. on yesterday (Sunday), the 26th instant, from the Hon. Charles H. Tupper, Her Britannic Majesty's Agent, of a note, dated the 25th instant, stating that he transmits with said note copies, in duplicate, of the "Supplementary Report of the British Commissioners appointed to inquire into Seal Life in Behring Sea," and also stating that duplicate copies of the same document have been forwarded to each of the Arbitrators; and, further, to say that, in the envelope containing said note were found two unbound printed documents.

The Undersigned cannot refrain from expressing his surprise that Her Majesty's Agent has conceived himself authorized to lay a paper, presumably bearing on the merits of the controversy between the Governments of the United States and Great Britain, before the members of the Tribunal, at a time and in a manner not allowed by the Treaty.

If the documents referred to may be thus submitted, the Undersigned is unable to perceive that Her Majesty's Agent may not submit to the Tribunal, at his pleasure, at any time, any paper containing evidence or other matter bearing upon the merits of the controversy. He herewith returns the documents referred to without examination, and begs to apprise Her Majesty's Agent that he will immediately address the Arbitrators, protesting against the course Her Majesty's Agent has taken, and requesting them to disregard the document.

He further gives notice to Her Majesty's Agent that the Tribunal of Arbitration will be moved, at its next session, that the document referred to be dismissed from attention, and returned to Her Majesty's Agent.

The Undersigned, &c.

(Signed) JOHN W. FOSTER.

Paris, March 26, 1893.

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* Copies of this Report, with other papers laid before the Tribunal, will be deposited in the Library of each House of Parliament.

Inclosure 3 in No. 22.

Mr. Tupper to Mr. Foster.

THE Undersigned, Agent of Her Britannic Majesty appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, 1892, has the honour to acknowledge the receipt of the Hon. John W. Foster's communication of this day's date, and, in reply thereto, desires to state that it is the view of Her Majesty's Government that the mode of procedure contemplated by the Treaty has not been accurately followed.

While all the material bearing on the whole subject-matter in dispute intended to be used by either party was to be submitted to the other party, that part of such material which bore only on the question of Regulations—and particularly the Report or Reports, joint or several, of the Commissioners of the two countries—should have been, it is believed, kept distinct from that part which bore on the questions of right, and that the latter should alone, in the first instance, have been submitted to the Arbitrators, the former, namely, that part relating to Regulations, only when the contingency therefor arose, or, in other words, when the determination of the questions of exclusive right had been arrived at.

It was upon this principle that the original Case of Great Britain was framed, and this course would have been followed but for the objections raised by the United States, as stated in Mr. Foster's letter to Mr. Herbert of the 27th September, 1892.

In deference to those representations, and in order to facilitate the progress of the Arbitration, Her Majesty's Government, while maintaining the justice of their contention, furnished to the Government of the United States and to the Arbitrators the separate Report of the British Commissioners and its Appendices, reserving at the same time their rights, as stated in Lord Rosebery's despatch to Mr. Herbert of the 13th October, 1892.

The Government of the United States, in presenting to the Arbitrators with their original Case the separate Report of the United States' Commissioners, had, in the opinion of Her Majesty's Government, departed from the mode of procedure contemplated by the Treaty. It was in pursuance of the understanding contained in the correspondence above referred to that Her Majesty's Government furnished to the Agent of the United States and to the Arbitrators the Supplementary Report of the British Commissioners which was referred to on p. 166 D of the British Counter-Case.

At the proper time Her Majesty's Government will submit to the Arbitrators that they are entitled to use this Supplementary Report, and they are quite willing that copies should remain in the hands of the Representatives of the United States without prejudice to any objection they may desire to raise.

The Government of Her Britannic Majesty believe that the Arbitrators will desire to have at their disposal any trustworthy information which may assist them upon the questions referred to them for decision.

If, as the Undersigned understands, a communication on this subject has been addressed by Mr. Foster to the Arbitrators, Her Majesty's Government will forward to them a copy of Mr. Foster's note of the 27th instant, and of this reply thereto.

The Undersigned, &c.

(Signed) CHARLES H. TUPPER.

Paris, March 27, 1893.

Inclosure 4 in No. 22.

Mr. Tupper to the Behring Sea Arbitrators.

THE Undersigned, Agent of Her Britannic Majesty appointed to attend the Tribunal of Arbitration, has the honour to inclose, for the information of , a copy of a note which he has addressed to the Agent of the United States in reply to a protest received from him against the presentation of the Supplementary Report of the British Behring Sea Commissioners which was forwarded to on the 25th instant.

The Undersigned has the honour to renew to the assurance, &c.

Paris, March 27, 1893.

No. 23.

Mr. Tupper to the Earl of Rosebery.—(Received March 30.)

My Lord, *Paris, March 28, 1893.*

I HAVE the honour to transmit to your Lordship a copy of a note I have received this day from the Agent of the United States, informing me that a motion will be made on behalf of the United States' Government at the meeting of the Tribunal on the 4th proximo for the rejection of certain claims for damages specified in the Counter-Case of Her Majesty's Government.

I have acknowledged the receipt of Mr. Foster's communication.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 23.

Mr. Foster to Mr. Tupper.

THE Undersigned, Agent of the United States before the Tribunal of Arbitration convened at Paris, has the honour to give notice to the Agent of Her Britannic Majesty, that, at the next meeting of the Tribunal of Arbitration, a motion will be made on the part of the United States to dismiss from the Arbitration so much of the demand of the Government of Great Britain as relates to the sum stated upon p. 315 of the Counter-Case of said Government to have been incurred on account of expenses in connection with proceedings before the Supreme Court of the United States;

And also to dismiss from said Arbitration the claim and request of the same Government, mentioned in said p. 315, that the Arbitrators find what catch or catches might have been taken by pelagic sealers in Behring Sea without undue diminution of the herd during the pendency of the Arbitration;

And also to dismiss from the Arbitration the claim of the same Government, mentioned on the same page, 315, to show payments by it to Canadian owners of sealing-schooners;

And that all proofs or evidences relating to the foregoing claims or matters, or either of them, be stricken from the British Counter-Case, and, in particular, those found on pp. 215 to 229, inclusive, of vol. ii of Appendix to said Counter-Case.

The ground of the foregoing motion or motions is that the claims and matters aforesaid are, and each of them is, presented for the first time in the Counter-Case of the Government of Great Britain, and that they are not, nor is either of them, pertinent or relevant by way of reply to the Case of the United States, or to anything contained therein, except so far as the same may tend to support claims for damages distinctly made in the original Case of the Government of Great Britain, and that, so far as they come under that head, the matters are irregular as being cumulative only.

The Undersigned, &c.

(Signed) JOHN W. FOSTER.

Paris, March 28, 1893.

No. 24.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, April 3, 1893.*

I HAVE received your despatch of the 28th ultimo, inclosing correspondence which has passed between the United States' Agent and yourself, on the occasion of your having forwarded to him and to the Arbitrators, copies of the Supplementary Report of the British Commissioners.

The action taken by you in this matter is approved by Her Majesty's Government.

I am, &c.

(Signed) ROSEBERY.

No. 25.

Mr. Tupper to the Earl of Rosebery.—(Received April 7.)

My Lord, *Paris, April 5, 1893.*

I HAVE the honour to report to your Lordship, that at the meeting of the Tribunal held yesterday the proceedings were opened by an application made by the Attorney-General, in the name of Her Majesty's Government, for the production of the Report by Mr. H. W. Elliott, on seal life.

Sir Richard Webster supported the application, and was followed on the side of the United States by Mr. Phelps and Mr. Carter.

The Representatives of the United States denied that Her Majesty's Government were entitled under the Treaty to any order by the Tribunal for the production of the document as a matter of right; but, they stated, they were willing to waive their right of objection, and to furnish a copy for such use, as evidence, as the Tribunal might allow

The Tribunal finally directed that the document should be regarded as before the Tribunal, to be made such use of as the Tribunal should see fit.

The question of the rejection of certain claims for damages put forward in the British Counter-Case, referred to in my despatch of the 28th ultimo, was then raised by the United States' Representatives, and the Tribunal decided that the matter should stand over for future consideration.

Mr. Phelps then proceeded to propose the rejection of the Supplementary Report of the British Commissioners in accordance with Mr. Foster's notice, of which I forwarded a copy to your Lordship in my despatch of the 28th ultimo. The argument of the United States' Counsel on this point had not concluded when the Tribunal adjourned.

I have the honour to transmit to your Lordship herewith a rough proof of the transcript of the short-hand notes of the proceedings, of which the above is a brief summary.*

It has been arranged that these rough proofs, which are to be furnished on the morning after each meeting to both sides, as well as to the Tribunal, shall be corrected and issued in a final shape at the close of each week's proceedings.

It is believed that when the printers have had more experience, fewer errors will be found than in the document forwarded herewith, and steps have been taken to overcome the difficulties which are inevitable on the first occasion of a paper of this nature, being produced under great pressure, and in a foreign language.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 26.

Mr. Tupper to the Earl of Rosebery.—(Received April 8.)

My Lord, *Paris, April 6 1893.*

AT the meeting of the Tribunal held yesterday, the argument of the United States against the admission of the Supplementary Report of the British Commissioners was continued by Mr. Phelps.

The Attorney-General replied on behalf of Great Britain, and had not finished his speech when the Tribunal rose.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 27.

Mr. Tupper to the Earl of Rosebery.—(Received April 8.)

My Lord, *Paris, April 7, 1893.*

AT the meeting of the Tribunal yesterday, the discussion with regard to the admission of the Supplementary Report of the British Commissioners was continued by Sir Charles Russell, who, at the close of his speech, was complimented by the President on the lucid manner in which he had stated his argument.

* Full sets of the corrected short-hand notes, which cover in all 2,336 pages (folio) of print, will be deposited in the Library of each House of Parliament.

Mr. Carter followed on the part of the United States, and had not concluded when the hour of adjournment arrived.

The discussion of this question will, in all probability, be terminated at the meeting to-morrow.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 28.

Mr. Tupper to the Earl of Rosebery.—(*Received April* 11.)

My Lord, *Paris, April* 9, 1893.

AT the meeting of the Tribunal on the 7th instant, Mr. Carter concluded his argument with regard to the admission of the Supplementary Report of the British Commissioners, and after a discussion between Counsel on both sides as to the bearing of certain portions of the diplomatic correspondence on the interpretation of the Treaty, the Tribunal adjourned till Wednesday next, the 12th instant.

The President stated that the Arbitrators would hold a private meeting on Tuesday.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 29.

Mr. Tupper to the Earl of Rosebery.—(*Received April* 13.)

My Lord, *Paris, April* 11, 1893.

SHORTLY after my arrival here Mr. Foster assented to a tentative arrangement that the proceedings before the Tribunal should be reported by a London firm of short-hand writers employed by both parties, and that printed copies of the transcript should be supplied on the morning after each meeting to each party and to the members of the Tribunal.

Your Lordship has been supplied with rough proofs of these reports, and notwithstanding the printer's errors, inevitable under the circumstances, it was considered by the British Counsel and myself that these proofs, which have shown considerable improvement since the beginning, were not wholly unsatisfactory.

The arrangement was made with the approval of the Tribunal, and the President stated, at a recent meeting, that the reports furnished had been found useful by the Arbitrators.

Mr. Foster, however, in a letter of which I have the honour to inclose a copy, has expressed his dissatisfaction at the working of the arrangement, and suggests that it should be terminated.

I have, after consultation with Counsel, addressed to Mr. Foster the reply, of which a copy is inclosed, and I trust that your Lordship will approve my action in the matter.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 29.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper, *Paris, April* 10, 1893.

I REGRET to have to inform you that the experience of the past week in the effort to produce a daily verbatim report of the proceedings of the Tribunal of Arbitration has not proved satisfactory. The main object had in view, namely, to lay before the Arbitrators the arguments of Counsel early on the day following their delivery, has in great measure failed. The Counsel of the United States find the reports of their arguments, as printed, so far from correct as to make it in great measure useless, and the burden imposed upon them of revision is an intolerable tax upon their time, and this of itself is a sufficient reason to make it desirable that the present arrangement be abandoned.

Up to the present writing we have not received from your side the first reading of the unrevised proof of either the first or any other succeeding day. After it is received we shall have numerous corrections of our own to make before it goes to the printer. It is therefore plain that the revised proof will not be ready to lay before the Arbitrators until they have considered in secret session, and possibly decided, the motion upon which the arguments have been made.

I do not wish to impute neglect or inefficiency to any one. I merely state that the system which we attempted with some misgivings has proved entirely unsatisfactory, and should be abandoned. I have, therefore, to propose that we at once give notice to the firm of short-hand reporters and the printers that the effort at further joint reporting come to an end; that we perfect and print the proceedings of the past week; that we settle with the short-hand firm and printers on mutually satisfactory terms; and that any further reporting will be left to each Agent to be done in such manner as he shall see fit for the convenience of the respective Counsel.

Very truly, &c.
(Signed) JOHN W. FOSTER.

Inclosure 2 in No. 29.

Mr. Tupper to Mr. Foster.

Dear Mr. Foster, *Paris, April* 11, 1893.

I BEG to acknowledge the receipt of your letter of the 10th April.

I regret the determination you have reached respecting the daily reports of the Arbitration proceedings. I trust you will give this subject reconsideration.

I am glad to observe that you make no complaint regarding the actual short-hand writing. Messrs. Cherer, Bennet, and Co.'s reporting is, I believe, considered as perfect as it is possible to procure anywhere. Their transcripts, I am informed, are invariably used in all the English Law Courts. The correct printing of these transcripts is, therefore, alone concerned.

In my opinion, considering the difference of language and the very great pressure of time, the work already done does Messrs. Chamerot et Cie. credit.

These gentlemen cannot yet be said to have had a fair trial. From the marked improvement shown in each succeeding day, I am led to hope that in a very few days the reports will be quite satisfactory.

Touching the burden of the correction of proof, up to the present time it has not been found necessary to ask the British Counsel to revise their speeches at all. The corrections, which are principally typographical and grammatical, have been readily made by one of our staff who heard the argument.

If this work becomes too heavy to be executed in the short time available, the object in view would be well worth the expense of employing a special reader.

The British Government attach great importance to an accurate verbatim record of the actual arguments used, and, in view of their value to the Tribunal and their obvious utility, I trust you may yet see your way to continue the present arrangement.

Yours very truly,
(Signed) CHARLES H. TUPPER.

No. 30.

Mr. Tupper to the Earl of Rosebery.—(Received April 13.)

My Lord, *Paris, April* 12, 1893.

I HAVE the honour to report to your Lordship that at the meeting of the Tribunal this morning the President announced the decisions of the Arbitrators on the questions of the admission of the Supplementary Report of the British Commissioners, and of the consideration of the proposal of the United States that certain claims put forward in the Counter-Case of Great Britain should be struck out.

I have the honour to inclose copies of these decisions as delivered by the President in French. An English translation was afterwards read by him.

Your Lordship will observe that with regard to the Supplementary Report of the British Commissioners, the Tribunal has decided that it shall not be admitted for

the present. Full liberty is, however, reserved to the Representatives of Great Britain to make use of the document in oral argument should they see fit to do so.

The question of the admissibility of the Appendices to the Supplementary Report is reserved for further examination without prejudice to the rights of the parties to discuss the matter and to refer to the documents in the course of oral argument.

With regard to the proposal of the United States to strike out certain claims included in the British Counter-Case, the Tribunal has decided to postpone the consideration of the question until such time as it may see fit.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 30.

Decision of Tribunal.

LE Tribunal décide de ne pas recevoir, quant à présent, le document intitulé: "Rapport Supplémentaire des Commissaires de la Grande-Bretagne dans la Mer de Behring," daté du 31 Janvier, 1893, et signé de George Baden-Powell et George M. Dawson, lequel a été remis aux Arbitres individuellement par l'Agent de la Grande-Bretagne le 25 Mars, 1893, et contient une critique des moyens de preuve produits dans les pièces et documents précédemment remis aux Arbitres, ou une argumentation portant sur les dits moyens de preuve. Toute liberté demeure néanmoins réservée aux Représentants de la partie intéressée de s'approprier le dit document, daté du 31 Janvier, 1893, pour l'incorporer à leur plaidoirie, s'ils le jugent convenable. La question de l'admissibilité des pièces, ou de quelqu'une d'entre elles, formant Annexes au dit document du 31 Janvier, 1893, est réservée à un examen ultérieur, sans préjudice du droit pour les Représentants des deux parties de discuter la question dont il s'agit, ainsi que le contenu des dites Annexes au cours de leurs plaidoiries.

(Translation.)

IT is ordered that the document entitled a "Supplementary Report of the British Behring Sea Commissioners," dated the 31st January, 1893, and signed by George Baden-Powell and George M. Dawson, and delivered to the individual Arbitrators by the Agent of Her Britannic Majesty on the 25th day of March, 1893, and which contains a criticism of, or argument upon, the evidence in the documents and papers previously delivered to the Arbitrators, be not now received, with liberty, however, to Counsel to adopt such document, dated the 31st January, 1893, as part of their oral argument, if they deem proper. The question as to the admissibility of the documents, or any of them, constituting the Appendices attached to the said document of the 31st January, 1893, is reserved for further consideration, without prejudice of the right of Counsel, on either side, to discuss that question, or the contents of the Appendices, in the course of the oral argument.

Inclosure 2 in No. 30.

Decision of Tribunal.

LE Tribunal décide qu'il différera, jusqu'à tel moment qui sera par lui ultérieurement indiqué, d'entendre plaider ou de prendre en considération la motion présentée le 4 Avril, 1893, par les États-Unis d'Amérique, tendant à la radiation de certains passages faisant partie du Contre-Mémoire et des moyens de preuve du Gouvernement de la Grande-Bretagne.

(Translation.)

IT is ordered that the argument and consideration of the motion made by the United States of America on the 4th day of April, 1893, to strike out certain parts of the Counter-Case and proofs of the Government of Great Britain, be postponed until such time as may be hereafter indicated by the Tribunal.

No. 31.

Mr. Tupper to the Earl of Rosebery.—(*Received April* 14.)

My Lord, *Paris, April* 12, 1893.

WITH reference to my despatch of yesterday, I have the honour to transmit to your Lordship a copy of a letter from Mr. Foster, informing me that he adheres to his proposal for the abandonment of the joint shorthand reports of the proceedings before the Tribunal.

It appears very desirable that full reports of the speeches on both sides should exist.

I therefore propose, after consultation with Counsel, to continue to employ the shorthand writers and printers on behalf of Her Majesty's Government, and to supply the members of the Tribunal with copies as usual.

In forwarding these copies to the Arbitrators I shall explain to them that the United States' Agent has withdrawn from the arrangement, that the speeches of the British Counsel will be revised by the British Agent, and that in order as far as possible to insure the accuracy of the reports of the speeches of the United States' Counsel, they will be carefully read over against the original notes in shorthand.

I trust your Lordship will approve of my action in this matter.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 31.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper, *Paris, April* 12, 1893.

YOUR letter of the 11th instant respecting the shorthand reports has been received and duly considered.

After again submitting the subject to the Counsel of the United States and taking their views thereon, I regret to say that I am constrained to adhere to the proposal contained in my letter of the 10th instant.

Very truly,

(Signed) JOHN W. FOSTER.

No. 32.

Mr. Tupper to the Earl of Rosebery.—(*Received April* 14.)

My Lord, *Paris, April* 13, 1893.

AT the meeting of yesterday, the President opened the sitting by announcing the decisions of the Tribunal on the two questions which were brought before it last week. I have already forwarded copies of these decisions to your Lordship in my despatch of yesterday.*

In accordance with the arrangement agreed upon between the Counsel on both sides, which was explained to the Tribunal by Sir Charles Russell, as reported at p. 195 of the shorthand notes, Mr. Carter proceeded to open the case on behalf of the United States' Government.

He commenced by stating that he would lay before the Tribunal a sketch of the controversy from the beginning, before entering upon a discussion of the particular questions which had arisen.

Mr. Carter had brought his exhaustive summary of the various steps of the controversy down to the negotiations in January 1890, when the hour of adjournment arrived.

I have, &c.

(Signed) CHARLES H. TUPPER.

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* No. 30.

No. 33.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, April* 15, 1893.

I HAVE received your despatches of the 11th and 12th instant, relative to the proposal made by Mr. Foster that the arrangement for joint shorthand reports of the proceedings before the Behring Sea Arbitration Tribunal shall be abandoned.

In reply, I have to express to you my approval of the view you have taken of this matter, and of the course you propose to pursue in continuing to employ the shorthand writers and printers on behalf of Her Majesty's Government.

I shall be glad to receive from you an estimate of the cost of the staff of reporters, and of printing the reports.

I am, &c.
(Signed) ROSEBERY.

No. 34.

Mr. Tupper to the Earl of Rosebery.—(Received April 15.)

My Lord, *Paris, April* 14, 1893.

AT the meeting of yesterday, Mr. Carter continued his preliminary sketch of the various steps in the negotiations, and brought this part of his address to a conclusion shortly before the hour of adjournment arrived.

While generally confining himself to a recital or summary of the various documents, he made some remarks and criticisms on the arguments contained in some of the more important despatches.

Having concluded his preliminary sketch, Mr. Carter then proceeded to address the Tribunal on the law which should govern it in its deliberations, and was only able to make slight progress in this branch of his subject before the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 35.

Mr. Tupper to the Earl of Rosebery.—(Received April 17.)

My Lord, *Paris, April* 16, 1893.

AT the meeting of the 14th instant, Mr. Carter continued his observations on the law which should govern the Tribunal in its decision. The knowledge of this law was, he said, to be derived from the actual practice and usages of nations and from the law of nature, which latter he argued was best illustrated by municipal law.

Having concluded this portion of his address, he entered upon the consideration of the rights claimed by Russia over the regions about Behring Sea, and the rights which the United States might have derived from the Act of Cession of the territory of Alaska.

The general purport of his argument was that Russia was intent on securing to her own subjects the valuable fur-seal industry, and that by the Ukase of 1821, she did not claim the waters of those regions as *mare clausum*, but merely enacted a protective regulation for the purpose of preserving that industry.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 36.

Mr. Tupper to the Earl of Rosebery.—(*Received April* 20.)

My Lord, *Paris, April* 18, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols of the first two meetings of the Arbitration Tribunal.

A copy of the first Protocol has already been forwarded to your Lordship in my despatch of the 24th February, but the original and the official printed copies have only been issued this day.

Some delay has occurred in the completion of these documents, owing to deficiencies in the organization of the Secretariat of the Tribunal.

The remaining Protocols will, however, be issued very shortly.

I have retained the two original signed Protocols, of which the copies are transmitted herewith.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure in No. 36.

Protocole No. 2.—*Séance du Jeudi,* 23 *Mars,* 1893.

LE Tribunal s'est réuni à Paris, comme il avait été convenu, dans l'Hôtel du Ministère des Affaires Étrangères de France.

Étaient présents les sept membres du Tribunal Arbitral:

L'Honorable John M. Harlan, Juge de la Cour Suprême des États-Unis,

Et l'Honorable John T. Morgan, Sénateur des États-Unis, Arbitres désignés par les États-Unis;

Son Excellence le Baron Alphonse de Courcel, Sénateur Français, Arbitre désigné par la France;

Le Très Honorable Lord Hannen, Pair d'Angleterre, siégeant à la Cour Suprême d'Appel,

Et Sir John Thompson, Ministre de la Justice du Dominion de Canada, Arbitres désignés par la Grande-Bretagne;

Son Excellence le Marquis Emilio Visconti Venosta, Sénateur Italien, Arbitre désigné par l'Italie,

Et son Excellence M. Gregers Gram, Arbitre désigné par la Suède et Norvège.

L'Honorable John W. Foster et l'Honorable Charles H. Tupper, Ministre de la Marine et des Pêcheries du Dominion de Canada, assistent à la séance comme Agents des Gouvernements des États-Unis et de la Grande-Bretagne.

Les membres du Tribunal Arbitral s'assurent que leurs pouvoirs respectifs sont en bonne et valable forme.

Lord Hannen, l'un des Arbitres désignés par la Grande-Bretagne, se lève pour proposer que M. le Baron de Courcel, Arbitre désigné par la France, soit prié par ses collègues de prendre la Présidence du Tribunal.

L'Honorable J. Harlan, l'un des Arbitres désignés par les États-Unis, appuie la proposition de Lord Hannen.

Les autres membres du Tribunal Arbitral ayant acquiescé à la proposition, M. le Baron de Courcel prend place au fauteuil de la Présidence et prononce les paroles suivantes:

Messieurs,

Vous me faites bénéficier de l'usage courtois qui, dans les réunions d'un caractère international, attribue au Représentant du pays où elles siègent la Présidence de leurs travaux. Je vous en remercie pour mon pays et pour moi-même.

Lorsque les Gouvernements de la Grande-Bretagne et des États-Unis d'Amérique ont décidé de terminer par les voies amiables d'un arbitrage le litige déjà ancien des pêcheries de Behring, et lorsqu'ils ont choisi Paris pour siège du Tribunal Arbitral institué en vertu de leurs accords, ils ont fait à la France et à sa capitale un honneur insigne. J'ose dire que l'une et l'autre en étaient dignes.

Nulle part assurément vous ne sauriez trouver l'atmosphère d'un plus sincère, d'une plus chaleureuse sympathie pour l'œuvre grande et bonne que vous êtes chargés de poursuivre. A travers les chocs et les épreuves qu'inflige inévitablement à tous les hommes la dure réalité des choses, la France est demeurée une nation obstinément idéaliste; toute conception généreuse la touche et l'entraîne; elle est passionnée pour la cause du progrès dans l'humanité. Or quel but plus idéal quel progrès plus noble et plus digne de recherche que la disparition graduelle des recours à la force brutale entre les peuples de la terre? La procédure arbitrale y vise, et chaque arbitrage nouveau nous en rapproche, en fournissant une preuve de plus de la possibilité matérielle de ce qui, hier encore, n'apparaissait que comme un rêve.

Il y a quelques années, les Arbitres convoqués à Genève, par l'autorité pacifique d'une sentence que deux fières et puissantes nations s'étaient engagées d'avance à accepter, mettaient heureusement fin à une discussion qui semblait n'avoir d'autre issue possible que la guerre. L'arbitrage de l'Alabama fait époque dans l'histoire des relations internationales: on peut dire qu'il a rajeuni l'antique droit des gens, et qu'il lui a ouvert une ère nouvelle, avec la perspective d'une action indéfiniment bienfaisante. Les deux nations qui se sont soumises au verdict de Genève, malgré des sacrifices qui, dans les premiers moments, ont pu coûter à l'une et à l'autre, ne se sont pas repenties à la longue de leur appel à la force purement morale, puisqu'elles-mêmes le renouvellent aujourd'hui, d'un commun accord, dans des circonstances analogues.

Le procès qui va se plaider devant vous n'est point de ceux, il est vrai, qui, selon l'apparence, pouvaient déchaîner le redoutable fléau de la guerre. Mais, en dehors de cette extrémité fatale, combien de maux ne causent point aux peuples un refroidissement durable et la persistence de sentiments amers! Comme les individus, les nations se doivent la charité; et lorsque, cédant aux conseils de l'orgueil, elles manquent à la loi providentielle, elles se condamnent elles-mêmes à bien des souffrances. Si les conciliations de l'arbitrage n'avaient d'autre effet que de les préserver de ce péril, elles feraient encore aux peuples un bien incalculable, et serviraient très utilement la fraternité humaine.

Votre présence dans cette salle, Messieurs, est le plus éloquent témoignage du prix qui s'attache à la décision attendue de vous. L'Angleterre, de tout temps si féconde en éminents jurisconsultes, les États-Unis, le Canada, qui continuent à leur tour, dans le nouveau monde, une tradition dont l'origine atavique doit être cherchée peut-être sur notre vieux sol Normand, ont député ici des personnages dont la science et la rare perspicacité ont été éprouvées dans les hautes et les plus délicates fonctions de la magistrature, ou dans les discussion d'assemblées politiques renommées pour leur prudence. A côté d'eux, je vois siéger un homme d'État, sage héritier de l'illustre Cavour, et dont la diplomatie Européenne, aux conseils de laquelle il manque n'a pas cessé de regretter la retraite prématurée et volontaire. Un autre de nos collègues, venu du Nord Scandinave, et que sa réputation a devancé ici, occupait naguère dans sa patrie, l'un des postes les plus élevés que puisse conférer la juste confiance du Souverain de deux Royaumes jumeaux, également jaloux de leur individualité.

A votre barre se présentent, au nom des deux Grandes Puissances qui vous ont remis le règlement de leur cause, des hommes politiques de premier ordre. L'un d'eux dirigeait hier les relations internationales de la grande République Américaine.

Ils sont assistés de Conseils habitués à briller au premier rang, tantôt au barreau, tantôt dans le Gouvernement de leur pays, et que l'admiration de leurs concitoyens, de chaque côté de l'Atlantique, salue du titre de princes de l'éloquence.

C'est un honneur qui suffit à illustrer une existence entière que d'être appelé à siéger près de pareils hommes. La responsabilité de les présider serait bien effrayante, si celui de leurs collègues qu'ils ont chargé de cette tâche ne devait compter sur leur indulgent et infaillible appui.

Puisse la Divine Providence, de qui relèvent toutes les actions des hommes, nous donner la force et nous inspirer la sagesse nécessaire pour accomplir notre difficile mission, et pour marquer ainsi une étape vers la réalisation de la parole pleine de consolation et d'espoir de Celui qui a dit: "Bienheureux les pacifiques, car la terre leur appartiendra."

Messieurs, je crois être l'interprète de votre pensée à tous en vous proposant d'interrompre ici notre séance, afin de porter à M. le Président de la République Française, avec l'hommage de nos respects, l'expression de notre gratitude pour l'hospitalité que nous recevons de la France.

Sur la proposition du Président, M. A. Imbert, Ministre Plénipotentiaire de France, est désigné comme Secrétaire du Tribunal Arbitral. M. le Baron de Courcel invite ensuite les Arbitres Anglais et Américains à désigner, pour chacune des deux nationalités, un Secrétaire qui serait adjoint au Secrétaire du Tribunal. Il est convenu que cette désignation aura lieu à la prochaine séance.

Le Tribunal fixe les jours et heures de ses séances.

Conformément aux stipulations du Traité de Washington du 29 Février, 1892, les Agents des Gouvernements des États-Unis et de la Grande-Bretagne déposent devant le Tribunal les Arguments imprimés de leurs Gouvernements respectifs.

L'Agent des États-Unis ayant signalé que, par suite d'une erreur accidentelle commise à l'impression, il existait une omission dans les citations jointes en appendice à l'Argument des États-Unis, autorisation lui a été donnée de déposer ultérieurement, comme annexe à l'Argument, un supplément contenant les citations omises, sous réserve du droit pour le Gouvernment Britannique de présenter une réplique à ces citations, s'il le jugeait opportun.

Les Agents des deux Gouvernements ont annoncé qu'ils avaient pris, de commun accord, des arrangements pour faire sténographier chaque jour les débats du Tribunal.

Il est déclaré que le public sera admis aux débats, sur la présentation de cartes nominatives délivrées par le Secrétaire du Tribunal.

Ainsi fait à Paris, le 23 Mars, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 2.—Meeting of Thursday, March 23, 1893.

THE Tribunal assembled at Paris, as had been agreed, at the French Ministry for Foreign Affairs.

There were present the seven members of the Tribunal of Arbitration:

The Honourable John M. Harlan, Justice of the Supreme Court of the United States,

And the Honourable John T. Morgan, Senator of the United States, the Arbitrators named by the United States;

His Excellency the Baron Alphonse de Courcel, Senator of France, the Arbitrator named by France;

The Right Honourable Lord Hannen, Lord of Appeal,

And Sir John Thompson, Minister of Justice for the Dominion of Canada, the Arbitrators named by Great Britain;

His Excellency the Marquis E. Visconti Venosta, Senator of Italy, the Arbitrator named by Italy;

And his Excellency M. Gregers Gram, the Arbitrator named by Sweden and Norway;

The Honourable John W. Foster and the Honourable Charles H. Tupper, Minister of Marine and Fisheries for the Dominion of Canada, were present at the meeting as Agents for the Governments of the United States and Great Britain.

The members of the Tribunal of Arbitration assured themselves that their respective powers were in due and valid form.

Lord Hannen, one of the Arbitrators named by Great Britain, rose to propose that his Excellency the Baron de Courcel, the Arbitrator named by France, should be requested by his colleagues to assume the Presidency of the Tribunal.

The Honourable John M. Harlan, one of the Arbitrators named by the United States, supported the proposal of Lord Hannen.

The other members of the Tribunal of Arbitration having agreed to the proposal, Baron de Courcel took the chair as President, and delivered the following address:

Gentlemen,

You have been pleased to exercise in my favour that courteous usage which, in proceedings of an international character, confers the Presidency upon the Representative of the country in which the meeting is held.

The Governments of Great Britain and the United States of America have determined to end the long-standing dispute concerning the Behring fisheries by a friendly arbitration, and in choosing Paris for the seat of it, they have paid a distinguished compliment to France and to her capital city.

I venture to say that both are worthy of it.

Nowhere, be sure, would you have found yourselves surrounded by a more sincere and warm sympathy with the great and good work which you are charged to carry out. Through all the shocks and trials which the hard necessity of events inflicts upon mankind, France has remained steadfast to ideals. Every generous conception moves and captivates her. She has a passion for the cause of human progress. And what aim can be more ideal, what progress more noble and worthy of attainment than the gradual disappearance from among the people of the earth of a recourse to brute force.

This is the aim of procedure by arbitration, and each new recourse to it brings us nearer t that end, by furnishing another proof of the actual possibility of that which, even yesterday seemed but a dream.

Some years ago, by the peaceful authority of a decision which two proud and powerful nations had previously agreed to accept, the Arbitrators assembled at Geneva put a happy end to a dispute which it seemed at one time could only terminate in war.

The Geneva Arbitration was an epoch in international relations. It may be said to have revived the old law of nations, and opened to it a new era with a boundless prospect of beneficent consequences.

The two nations which submitted to the Geneva verdict, in spite of the sacrifices which at first it seemed to involve, have evidently not in the long run repented of their appeal to moral force, for to-day they renew that appeal by common consent, in analogous circumstances. It is true that the cause that is to be pleaded before us is not one which apparently would let loose the scourge of war; but, short of war, how many evils are caused to nations by lasting coldness and by the persistence of bitter sentiments. Like individuals, nations owe a duty to charity, and when yielding to pride they fail to obey the laws of Providence, they inflict upon themselves many sufferings.

If arbitrations had no other effect than to preserve them from this peril, they would be an incalculable blessing and service to the brotherhood of humanity.

Your presence in this room, Gentlemen, is the most eloquent evidence of the value which attaches to your expected decision.

England, from all time so rich in eminent jurists, America and Canada, who hand down in their turn, and in a new world, a tradition whose ancestral origin may, perhaps, be sought in our old Norman soil, have delegated men whose knowledge and rare penetration have been applied in the highest and most delicate functions in the magistracy or in the discussions of political assemblies whose prudence was renowned.

Beside them I see a politician, a wise heir of the illustrious Cavour, whose premature and voluntary retreat from European diplomacy has been the subject of deep regret.

Another of our colleagues from North Scandinavia, whose reputation has preceded him, has occupied one of the highest positions which could be conferred upon him by the just confidence of the Sovereign of two Twin Kingdoms, each equally jealous of its individuality.

At your bar, to represent the two great Powers who have confided their cause to you, appear politicians of the first order. One of them only lately guided the foreign relations of the great American Republic. They are assisted by Counsel accustomed to occupy the front rank, either at the bar, or in the government of their country, and whom the admiration of their countrymen on each side of the Atlantic hails as princes of eloquence.

It is an honour sufficient to dignify an entire life to be asked to sit with men like these, and the responsibility of presiding among them would be overwhelming if he whom his colleagues have charged with this duty could not count on their unvarying and indulgent support.

May Divine Providence, on whom depends all human action, give us the strength and inspire us with the wisdom necessary to fulfil our difficult mission, and thus to advance a stage nearer to the realization of the words of consolation and hope of Him who has said, "Blessed are the peacemakers, for they shall inherit the earth."

Gentlemen, I trust that I represent your wishes in proposing to you to break up our present meeting, in order to convey our respects to the President of the French Republic, together with an expression of our gratitude for the hospitality which we are receiving from France.

On the proposal of the President, M. A. Imbert, a Minister Plenipotentiary of France, was named Secretary to the Tribunal of Arbitration. Baron de Courcel then invited the English and American Arbitrators to name, for their respective nationalities, a Secretary to be associated with the Secretary of the Tribunal. It was agreed that this appointment should be made at the next meeting.

The Tribunal fixed the days and hours of its meetings.

In conformity with the stipulations of the Treaty of Washington of the 29th February, 1892, the Agents of the Governments of the United States and Great Britain laid before the Tribunal the printed Arguments of their respective Governments.

The Agent of the United States having intimated that, owing to an oversight in printing, there was an omission in the appendices of authorities cited in the Argument of the United States, he was authorized to present at a later date, as an appendice to the Argument, a supplement containing the citations omitted, with the reserve of the right, on the part of the British Government, to present a reply to the citations, should they deem it to be necessary.

The Agents of the respective Governments stated that they had agreed to arrange for taking shorthand reports of the daily proceedings.

It was announced that the proceedings were now public, and admission to the discussions would be upon the presentation of cards of admission to be issued by the Secretary of the Tribunal.

The Tribunal of Arbitration adjourned till the 4th April next.
Done at Paris, the 23rd March, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 37.

Mr. Tupper to the Earl of Rosebery.—(*Received April* 20.)

My Lord, *Paris, April* 18, 1893.

WITH reference to your Lordship's despatch of the 15th instant and previous correspondence, I have the honour to transmit to your Lordship a copy of a statement handed to me to-day by Mr. Foster, containing an explanation of his reasons for withdrawing from the arrangement for a joint shorthand report of the proceedings before the Tribunal.

Mr. Foster said that his motives in declining, on the part of the United States, to be a party to the arrangement any longer, had been misrepresented in the London press, and that he had therefore laid this statement before the Members of the Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure in No. 37.

Statement by Mr. Foster.

IN view of certain misleading statements in the London newspapers, the Agent of the United States desires to inform the Arbitrators of the reasons given by him to the British Agent for his action in withdrawing from the joint arrangement for a daily shorthand report of the proceedings of the Tribunal. Under date of the 10th instant, he informed the British Agent, in view of the experience then had, that the main object of the arrangement, namely, to lay before the Arbitrators the argument of Counsel early on the day following their delivery, had failed; that the Counsel of the United States had found the reports of the Arguments, as printed, so far from correct as to make them in great measure useless, and that the burden imposed on them of revision was an intolerable tax upon their time. The report of the first week's argument (April 4th to 7th) had not been revised and put into intelligible shape before the motion upon which they had been made had been definitely decided by the Tribunal; and they have not, in fact, up to this date been laid before the Tribunal.

As no change in the existing arrangements was proposed by the British Agent, the Agent and Counsel of the United States felt it their duty to withdraw therefrom. The question of expense did not enter into the consideration of the subject.

April 18, 1893.

No. 38.

Mr. Tupper to the Earl of Rosebery.—(Received April 21.)

My Lord, *Paris, April 20, 1893.*

AT the meeting of yesterday, Mr. Carter continued his argument on the question of the alleged property interest of the United States in the fur-seals.

His remarks were in the main directed to an examination of the question as to what constitutes property, and what are the rights and responsibilities of those in whom the property is vested. He had not concluded this portion of his argument when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 39.

Mr. Tupper to the Earl of Rosebery.— (Received April 22.)

My Lord, *Paris, April 21, 1893.*

AT yesterday's meeting, Mr. Carter continued his argument on the alleged property right of the United States in the fur-seals. He proceeded to apply the principles of property which he had enumerated on the previous day to the case of the seals, and for this purpose entered at some length into the question of their habits, their management by the United States on the islands, and their capture both on land and by pelagic sealing.

He criticised the Report of the British Commissoners at some length, and claimed that owing to its biassed character, the opinions expressed by them should be discarded by the Tribunal.

He had not concluded this portion of his argument when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 40.

Mr. Tupper to the Earl of Rosebery.—(Received May 1.)

My Lord, *Paris, April 24, 1893.*

AT the meeting of the 21st instant, Mr. Carter continued his argument on the claim of the United States to property in the fur-seals.

He concluded the first head of this subject, which deals with the claim to property in the animals themselves, and then proceeded to argue that the United States had also a property interest in, and right of protection of, the industry carried on at the Seal Islands.

He had not finished his observations on this point when the Tribunal rose.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 41.

Mr. Tupper to the Earl of Rosebery.—(Received May 1.)

My Lord, *Paris, April 25, 189*

I REGRET to inform your Lordship that, owing to an attack of influenza, [redacted] Hannen was unable to attend the Tribunal of Arbitration to-day.

His Lordship's medical adviser is of opinion that he will be unable to resume his duties for some days.

It was therefore decided by the President, Baron de Courcel, that the Tribunal should adjourn until Tuesday, the 2nd May, by which date it is hoped that Lord Hannen will be sufficiently recovered to resume his attendance at the meetings.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 42.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 3.)

My Lord, *Paris, May* 2, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 3, 4, and 5 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 42.

Protocole No. 3.—*Séance du Mardi,* 4 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 45, tous les Arbitres étant présents.

Le Président annonce que le Tribunal a décidé la nomination de M. A Bailly-Blanchard et de M. Cunynghame, comme Secrétaires du Tribunal, conjointement avec M. A. Imbert.

Et également celle de M. le Chevalier Bajnotti, de M. Henri Feer, et de M. le Vicomte de Manneville, comme Secrétaires Adjoints.

Le Président annonce que le Tribunal est prêt à entendre toute motion que pourrait présenter l'une ou l'autre des parties.

Sir Charles Russell prend la parole et termine sa plaidoirie en présentant la motion suivante :—

"Que l'Agent des États-Unis soit invité à produire l'original ou une copie certifiée du Rapport fait par Henry W. Elliott au sujet des phoques à fourrure conformément à l'Acte du Congrès de 1890."

Sir Richard Webster parle dans le même sens.

L'Honorable E. J. Phelps réplique et présente la réponse suivante à la motion :—

"Le Gouvernement des États-Unis se refuse à admettre que le Gouvernement de Sa Majesté Britannique soit autorisé en droit, d'après les dispositions du Traité, à obtenir du Tribunal un ordre pour la production du document visé par la motion de Sir Charles Russell.

"Toutefois, le Gouvernement des États-Unis est disposé, en ce qui le concerne, à ne pas user du droit qu'il aurait d'élever cette objection et à fournir à l'Agent du Gouvernement de Sa Majesté une copie du document en question, à telles fins de preuve que le Tribunal jugera à propos d'autoriser.

"Néanmoins, cette façon de procéder n'implique pas, de la part du Gouvernement des États-Unis, l'acquiescement à ce qu'aucune des deux parties, à ce moment ou à toute autre époque de la procédure, ait le droit de présenter aucun autre moyen de preuve, quel qu'il soit, sur un sujet quelconque se rattachant à la controverse.

"Le même Gouvernement stipule en outre que, s'il est fait un usage quelconque du document auquel se rapporte cette motion, comme moyen de preuve, chacune des deux parties aura un droit égal à l'utiliser en tous les points qu'il contient."

Mr. Carter s'exprime ensuite dans le même sens.

Le Tribunal suspend alors sa séance.

A la reprise de la séance, *le Président* déclare ce qui suit :—

"Le Tribunal ordonne que le susdit document sera considéré comme étant devant le Tribunal pour qu'il en soit fait tel usage que le Tribunal jugera convenable.

L'Agent des États-Unis donne alors lecture des motions suivantes :—

"1. L'Agent des États-Unis désire appeler l'attention du Tribunal d'Arbitrage sur le fait que l'Agent de Sa Majesté Britannique a porté à sa connaissance, par une lettre en date du 25 Mars dernier, qu'il avait envoyé à chacun des membres du Tribunal des copies en duplicata d'un 'Rapport Supplémentaire des Commissaires Britanniques désignés pour faire une enquête sur les phoques de la Mer de Behring.'

"L'Agent des États-Unis, en raison de cette information, demande à l'honorable Tribunal que le document dont il s'agit ne soit pas pris en considération et qu'il soit retourné à l'Agent de Sa Majesté, par le motif qu'il est présenté à un moment et dans une forme que n'autorise pas le Traité.

"2. L'Agent des États-Unis demande à l'honorable Tribunal d'exclure de l'Arbitrage ce qui, dans la demande du Gouvernement de la Grande-Bretagne, à trait à la somme mentionnée à la page 315 du Contre-Mémoire du dit Gouvernement, comme ayant été dépensée pour frais occasionnés par la procédure devant la Cour Suprême des États-Unis;

"Et d'exclure aussi de l'Arbitrage la réclamation et requête du même Gouvernement qui figurent à la dite page 315, tendant à ce que les Arbitres établissent quelle prise ou quelles prises auraient pu être effectuées par les chasseurs pélagiques dans la Mer de Behring sans indue diminution du troupeau de phoques pendant la durée de cet Arbitrage;

"Et, de plus, d'exclure de l'Arbitrage la réclamation du même Gouvernement, mentionnée à ladite page 315, en vue d'être autorisé à établir les payements faits par lui aux propriétaires Canadiens de bâtiments employés à la chasse des phoques;

"Et que toutes preuves ou tous témoignages ayant trait aux susdites réclamations ou questions, ou à l'une d'elles, soient rayés du Contre-Mémoire Britannique, et, en particulier, les preuves ou témoignages se trouvant aux pages 215 à 229 inclusivement du Tome ii de l'Appendice audit Contre-Mémoire.

"Le fondement de la motion ou des motions qui précèdent est que les réclamations et questions susmentionnées sont, ensemble ou chacune d'elles en particulier, présentées pour la première fois dans le Contre-Mémoire du Gouvernement de la Grande-Bretagne et qu'aucune d'elles, ensemble ou en particulier, ne se rapporte, ni ne se réfère, par voie de réplique, soit au Mémoire des États-Unis, soit à quoi que ce soit qu'il contienne, si ce n'est en ce qu'elles tendent à soutenir des réclamations en dommages-intérêts présentées expressément dans le Mémoire original du Gouvernement de la Grande-Bretagne, et que, en tant qu'elles tombent sous cette définition, lesdites demandes sont irrégulières comme faisant double emploi."

Le Président ayant fait observer qu'il conviendrait d'examiner séparément les motions et de renvoyer à une période ultérieure de la procédure la discussion de la seconde motion présentée au nom des États-Unis,

L'Honorable E. J. Phelps développe devant le Tribunal les arguments à l'appui de la première motion, celle qui est relative au Rapport Supplémentaire des Commissaires Britanniques.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 4 Avril, 1893, et ont signe:

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 3.—Meeting of Tuesday, April 4, 1893.

At 11·45 the Tribunal assembled, all the Arbitrators being present.

The President announced that the Tribunal had decided to appoint Mr. A. Bai[redacted] Blanchard and Mr. Cunynghame as co-Secretaries with M. Imbert.

Also, M. le Chevalier Bajnotti, M. Henri Feer, and M. le Vicomte de Manne[redacted] as Assistant Secretaries.

The President announced that the Tribunal was ready to hear any motion by either of the parties.

Sir Charles Russell then spoke, and at the close of his speech he submitted the following motion:—

"That the Agent of the United States be called upon to produce the original or a certified copy of the Report made by Henry W. Elliott on the subject of fur-seals pursuant to Act of Congress of 1890."

Sir Richard Webster supported the motion.

The Honourable E. J. Phelps replied and submitted the following answer to the motion:—

"The United States' Government denies that Her Britannic Majesty's Government is entitled, under the provisions of the Treaty, to any order by the Tribunal for the production of the document specified in the motion, as a matter of right.

"The United States' Government, however, is willing to waive (so far as it is concerned) its right of objection, and to furnish to the Agent of Her Majesty's Government a copy of the document referred to, for such use as evidence as the Tribunal may deem proper to allow.

Not conceding, however, in so doing, that either party at this or any subsequent stage of the proceedings has a right to introduce any further evidence whatever, upon any subject whatever, connected with the controversy.

"And further stipulating that if the document referred to in this motion shall be used in evidence at all, it shall be open to the use of both parties equally in all its points."

Mr. James C. Carter followed in support of the answer.

The Court adjourned for a short time.

On reassembling, the President said:—

"The Tribunal directs that the above-named document be regarded as before the Tribunal to be made such use of as the Tribunal thinks fit."

The Agent for the United States then read the following motions:—

"1. The Agent of the United States desires to bring to the attention of the Tribunal of Arbitration the fact that he has been informed by the Agent of Her Britannic Majesty, in a note dated the 25th ultimo, that he has sent to each of the members of the Tribunal copies in duplicate of a 'Supplementary Report of the British Commissioners appointed to inquire into seal life in Behring Sea.'

"The Agent of the United States, in view of this information, moves this honourable Tribunal that the document referred to be dismissed from consideration and be returned to Her Majesty's Agent, on the ground that it is submitted at a time and in a manner not allowed by the Treaty.

"2. The Agent of the United States moves this honourable Tribunal to dismiss from the Arbitration so much of the demand of the Government of Great Britain as relates to the sum stated upon p. 315 of the Counter-Case of the said Government to have been incurred on account of expenses in connection with proceedings before the Supreme Court of the United States;

"And, also, to dismiss from the Arbitration the claim and request of the same Government, mentioned on said p. 315, that the Arbitrators find what catch or catches might have been taken by pelagic sealers in Behring Sea without undue diminution of the seal herd during the pendency of this Arbitration;

"And, further, to dismiss from the Arbitration the claim of the same Government, mentioned on the said p. 315, to show payments by it to the Canadian owners of sealing-vessels;

"And that all proofs or evidence relating to the foregoing claims or matters, or either of them, be stricken from the British Counter-Case, and in particular those found on pp. 215 to 229 inclusive, of Vol. ii of the Appendix to said Counter-Case.

"The ground of the foregoing motion or motions is that the claims and matters aforesaid are, and each of them is, presented for the first time in the Counter-Case of the Government of Great Britain, and that they are not, nor is either of them, pertinent or relevant by way of reply to the Case of the United States or to anything contained therein, except so far as the same may tend to support claims for damages distinctly made in the original Case of the Government of Great Britain, and that so far as they come under that head the matters are irregular as being cumulative only."

The President having remarked that the motions should be considered separately, and that the discussion upon the second motion brought forward by the United States, should be postponed to a subsequent period of the proceedings, the Honourable E. J.

Phelps addressed the Court in support of the first motion relative to the Supplementary Report of the British Commissioners.

At 4 P.M. the Tribunal adjourned to the next day, at 11·30.

Done at Paris, the 4th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 42.

Protocole No. 4.—*Séance du Mercredi,* 5 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 45, tous les membres étant présents.

L'Honorable E. J. Phelps continue et achève son argumentation de la veille.

Mr. James C. Carter déclare qu'il n'a aucune observation à ajouter.

Sir Charles Russell s'oppose à la motion en discussion, en se fondant sur les arguments suivants:—

"Que le Rapport Supplémentaire des Commissaires Britanniques, en date du 31 Janvier, 1893, n'est présenté qu'en ce qui concerne la question des Règlements, et que, d'après les dispositions du Traité d'Arbitrage du 29 Février, 1892, c'est avec raison qu'il est ainsi soumis au Tribunal, lequel aura à l'examiner à ce point de vue, au cas où il serait appelé à décider, en vertu de l'Article 7, la question de savoir s'il y a lieu de faire des Règlements communs, et, dans l'affirmative, quels devraient être ces Règlements."

Le Tribunal suspend alors sa séance.

A la reprise, *Sir Charles Russell* continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 5 Avril, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 4.—*Meeting of Wednesday, April* 5, 1893.

At 11·45 A.M. the Tribunal assembled, all the Arbitrators being present.

The Honourable E. J. Phelps continued his speech of the previous day concluded his argument.

Mr. James C. Carter announced that he had no additional remarks to offer.

Sir Charles Russell opposed the motion under discussion on the follo grounds:—

"That the Supplementary Report of the British Commissioners, dated 31st January, 1893, is presented solely with reference to the question of Regulati and, under the provisions of the Treaty of Arbitration of the 29th February, 189 properly presented to the Tribunal, and so should be considered by them in the e of their being called upon to determine, pursuant to Article 7, what, if concurrent Regulations are necessary."

The Tribunal adjourned for a short time.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11·30.

So done at Paris, the 5th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 42.

Protocole No. 5.—Séance du Jeudi, 6 Avril, 1893.

LE Tribunal s'est réuni à midi et demi, tous les Arbitres étant présents.

Sir Charles Russell reprend et achève son discours de la veille.

Sir Richard Webster déclare qu'il n'a rien à ajouter aux observations de Sir Charles Russell.

Mr. James C. Carter prend la parole pour soutenir la motion présentée au nom des États-Unis.

A 1 heure et demie le Tribunal suspend sa séance.

A la reprise, *Mr. James C. Carter* continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures et demie.

Ainsi fait à Paris, le 6 Avril, 1893, et ont signe:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 5.—Meeting of Thursday, April 6, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his speech of the previous day and concluded his argument.

Sir Richard Webster said that he had nothing to add to Sir Charles Russell's remarks.

Mr. James C. Carter replied in support of the motion made on behalf of the United States.

At 1·30 the Tribunal adjourned for a short time.

On reassembling, *Mr. James C. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.

Done at Paris, the 6th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 43.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 4.)

My Lord, *Paris, May* 3, 1893.

AT the meeting of the Tribunal yesterday, Mr. Carter continued his argument, claiming for the United States the right to employ force upon the high seas for the defence of its property interest in the fur-seals and in the industry of the seal islands.

Having brought his observations on this point to a close, Mr. Carter proceeded to discuss the question of regulations.

This course was followed in accordance with an arrangement arrived at by the Counsel on both sides, whereby each party should be at liberty to present its arguments on the legal questions and regulations separately.

A discussion arose on this question, which your Lordship will find reported on pp. 525-528 of the shorthand notes.

Mr. Carter maintained that the regulations to be made by the Tribunal should not be confined to Behring Sea, but should extend outside that area wherever necessity required them.

The United States, he said, had no regulations to propose save one, namely, the total prohibition of the killing of all seals anywhere on the high seas. After a detailed criticism of the scheme of regulations proposed by the British Commissioners, Mr. Carter brought his long speech to a conclusion shortly before the hour of adjournment.

Mr. Coudert is to follow Mr. Carter on behalf of the United States at the next meeting.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 44.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 5.)

My Lord, *Paris, May* 4, 18[redacted]

AT the meeting of yesterday, Mr. Coudert opened his speech, on behalf o[redacted] United States, which he said would be mainly devoted to a statement of the[redacted] on which the argument of Mr. Carter depended. But before proceeding to a r[redacted] of these facts, he wished to add something to what had been stated by Mr. Car[redacted] regard to the "self-defence" of the sealing industry.

His opening observations were therefore directed to this question, and he ha[redacted] concluded this portion of his subject when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPP[redacted]

No. 45.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 6.)

My Lord, *Paris, May* 5, 18[redacted]

AT the meeting of yesterday, Mr. Coudert continued his speech, and after [redacted] observations on the issues before the Tribunal proceeded to a detailed examin[redacted] of the facts connected with seal life, which he had not concluded when the hou[redacted] adjournment arrived.

I have, &c.
(Signed) CHARLES H. TUPPE[redacted]

No. 46.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 8.)

My Lord, *Paris, May* 6, 1893.

I HAVE the honour to transmit for your Lordship copies of the official Protocols Nos. 6, 7, 8, and 9 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 46.

Protocole No. 6.—*Séance du Vendredi,* 7 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.

L'Honorable E. J. Phelps appelle l'attention du Tribunal sur certaines erreurs dans le compte rendu sténographique.

Le Président fait observer que les seuls comptes rendus officiels garantis par l'autorité du Tribunal sont les Protocoles; la responsabilité des notes des sténographes incombe exclusivement aux Agents des deux Gouvernements.

Mr. James C. Carter reprend alors son argumentation pour les États-Unis.

Le Tribunal suspend sa séance à 1 heure 30.

A la reprise, *Mr. Carter* continue et achève sa plaidoirie.

Les Conseils des deux parties échangent alors, avec l'autorisation du Président, quelques explications complémentaires sur des points se rattachant aux plaidoiries qui viennent d'avoir lieu.

L'Honorable E. J. Phelps ayant demandé ensuite que l'on procédât à l'examen de la seconde motion, le Tribunal déclare qu'il fera connaître ses intentions à ce sujet dans la prochaine séance.

A 3 heures 50 la séance est levée et le Tribunal s'ajourne à Mardi pour une réunion privée, la séance publique étant remise au Mercredi, 12 Avril, 1893.

Ainsi fait à Paris, le 7 Avril, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire..	A. IMBERT.

[English version.]

Protocol No. 6.—*Meeting of Friday, April* 7, 1893.

THE Tribunal assembled at 11·40 A.M., all the Arbitrators being present.

The Honourable E. J. Phelps called the attention of the Tribunal to certain errors in the shorthand notes.

The President stated that the only official Minutes which were specially under the authority of the Tribunal were the Protocols; the responsibility of the shorthand notes rested exclusively with the Agents of the two Governments.

Mr. James C. Carter then continued his argument on behalf of the United States.

At 1·30 the Tribunal adjourned for a short time.

On reassembling, *Mr. Carter* continued and concluded his argument.

The Counsel on both sides then exchanged, with the sanction of the President, some supplementary explanations on points relevant to the arguments which had previously taken place.

The Honourable E. J. Phelps having afterwards applied to have the second motion considered, the Tribunal declared that it would announce its intentions on this subject at the next meeting.

At 3·50 P.M. the Tribunal adjourned to Tuesday for a private meeting, the public meeting being postponed to Wednesday, the 12th April, 1893.

Done at Paris, the 7th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 46.

Protocole No. 7.—Séance du Mercredi, 12 Avril, 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.

Le Président donne lecture d'une décision du Tribunal ayant trait au "Rapport Supplémentaire des Commissaires de la Grande-Bretagne dans la Mer de Behring," Rapport daté du 31 Janvier, 1893, et dont l'admissibilité a fait l'objet de la discussion qui a occupé les précédentes séances.

Les termes de cette décision sont les suivants:—

"Le Tribunal décide de ne pas recevoir, quant à présent, le document intitulé: 'Rapport Supplémentaire des Commissaires de la Grande-Bretagne dans la Mer de Behring,' daté du 31 Janvier, 1893, et signé de George Baden-Powell et George M. Dawson, lequel a été remis aux Arbitres individuellement par l'Agent de la Grande-Bretagne, le 25 Mars, 1893, et contient une critique des moyens de preuve produits dans les pièces et documents précédemment remis aux Arbitres, ou une argumentation portant sur lesdits moyens de preuve.

"Toute liberté demeure néanmoins réservée aux représentants de la partie intéressée de s'approprier ledit document, daté du 31 Janvier, 1893, pour l'incorporer à leurs plaidoiries, s'ils le jugent convenable.

"La question de l'admissibilité des pièces ou de quelques-unes d'entre elles formant annexes audit document du 31 Janvier, 1893, est réservée à un examen ultérieur, sans préjudice du droit pour les représentants des deux parties de discuter la question dont s'agit, ainsi que le contenu desdites annexes, au cours de leurs plaidoiries."

Le Président donne ensuite lecture d'une deuxième décision du Tribunal. Cette décision, qui se rapporte à la demande présentée par l'Honorable E. J. Phelps, à la fin de la précédente séance, relativement à l'examen de la seconde motion des Etats-Unis, est conçue en ces termes:—

"Le Tribunal décide qu'il différera, jusqu'à tel moment qui sera par lui ultérieurement indiqué, d'entendre plaider et de prendre en considération la motion présentée, le 4 Avril, 1893, par les États-Unis d'Amérique, tendant à la radiation de certains passages faisant partie du Contre-Mémoire et des moyens de preuve du Gouvernement de la Grande-Bretagne."

Le Président exprime le désir du Tribunal de ne pas s'attarder à des discussions de procédure et d'aborder le plus promptement possible le fond de la question.

Il invite, en conséquence, les Conseils à entrer immédiatement en matière.

Sir Charles Russell fait connaître l'ordre dans lequel il a été convenu que les Conseils présenteraient leur argumentation et ses indications sont confirmées par Mr. James C. Carter.

Le Président déclare que le Tribunal agréera la manière de procéder arrêtée entre les Conseils, mais il demande à ceux-ci de vouloir bien, autant que possible, dans leur argumentation, traiter séparément la discussion des points de droit et celle des Ruements éventuels à in tervenir.

Mr. James C. Carter, après avoir remercié la France de son accueil hospitalier, commence son plaidoyer pour les États-Unis.

Le Tribunal suspend sa séance à 1 heure 30.

A la reprise, *Mr. James C. Carter* continue son exposé.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 12 Avril, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 7.—Meeting of Wednesday, April 12, 1893.

THE Tribunal assembled at 11·40 A.M., all the Arbitrators being present.

The President then read the decision of the Tribunal with reference to the "Supplementary Report of the British Behring Sea Commissioners," dated the 31st January, 1893, the admissibility of which was the subject of the debates which took place at the previous meetings.

The terms of the decision are as follows :—

"It is ordered that the document entitled a 'Supplementary Report of the British Behring Sea Commissioners,' dated the 31st January, 1893, and signed by George Baden-Powell and George M. Dawson, and delivered to the individual Arbitrators by the Agent of Her Britannic Majesty on the 25th day of March, 1893, and which contains a criticism of, or argument upon, the evidence in the documents and papers previously delivered to the Arbitrators, be not now received, with liberty, however, reserved to Counsel to adopt such document, dated the 31st January, 1893, as part of their oral argument, if they deem proper.

"The question as to the admissibility of the documents, or any of them, constituting the Appendices attached to said document of the 31st January, 1893, is reserved for further consideration, without prejudice to the right of Counsel on either side to discuss that question, or the contents of the Appendices, in the course of the oral argument."

The President then read a second decision of the Tribunal. This decision which relates to the application of the Honourable E. J. Phelps, presented at the close of the preceding meeting, and having reference to the consideration of the second motion of the United States, is worded in these terms :—

"It is ordered that the Argument and consideration of the motion made by the United States of America on the 4th April, 1893, to strike out certain parts of the Counter-Case and proofs of the Government of Great Britain, be postponed until such time as may be hereafter indicated by the Tribunal."

The President then expressed the desire of the Tribunal not to spend time in discussions on procedure, but to enter as soon as possible upon the main question.

He accordingly invited the Counsel to address themselves immediately to the matter at issue.

Sir Charles Russell indicated the order in which it had been agreed the Counsel would present their arguments, and his statement was confirmed by Mr. James C. Carter.

The President declared that the Tribunal would approve of the mode of proceeding agreed upon by the Counsel, but he requested them to be kind enough, as far as possible, in the arrangement of their arguments, to keep separate the discussion on the matters relating to right, and those relating to the Regulations which might eventually be proposed.

Mr. James C. Carter, after thanking France for her hospitable reception, began his argument in behalf of the United States.

At 1·30 the Tribunal adjourned for a short time.

On reassembling *Mr. James C. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11·30

Done at Paris, the 12th April, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 46.

Protocole No. 8.—*Séance du Jeudi,* 13 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.
Mr. James C. Carter reprend son argumentation.
A 1 heure 30 la séance est suspendue.
A la reprise, *Mr. James C. Carter* continue sa plaidoirie.
A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 13 Avril, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 8.—*Meeting of Thursday, April,* 13, 1893.

THE Tribunal assembled at 11·40 A.M., all the Arbitrators being present.
Mr. James C. Carter resumed his argument.
At 1·30 the Tribunal adjourned for a short time.
On reassembling, *Mr. James C. Carter* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 13th April, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 46.

Protocole No. 9.—*Séance du Vendredi,* 14 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 40, tous les Arbitres étant présents.
Mr. James C. Carter reprend son argumentation.
Le Tribunal suspend sa séance à 1 heure.
A la reprise, *Mr. James C. Carter* continue sa plaidoirie.
La séance est levée à 4 heures et le Tribunal s'ajourne au Mardi, 18 Avril, à 11 heures 30.
Ainsi fait à Paris, le 14 Avril, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretange ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 9.—*Meeting of Friday, April* 14, 1893.

THE Tribunal assembled at 11·40 A.M., all the Arbitrators being present.
Mr. James C. Carter resumed his argument.
At 1 o'clock the Tribunal adjourned for a short time.
On reassembling, *Mr. James C. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned to Tuesday, the 18th April, at 11·30 A.M.
Done at Paris, the 14th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 47.

Mr. Tupper to the Earl of Rosebery.—(Received May 12.)

My Lord, *Paris, May* 8, 1893.

I HAVE the honour to transmit herewith to your Lordship copies of the Report for 1890,* on the condition of the fur-seal fisheries on the Pribyloff Islands, by Mr. Henry W. Elliott.

Your Lordship will remember that this Report was produced by the United States' Government on the application made by the British Counsel at the meeting of the Tribunal on the 23rd March. The conditions under which it was presented by the United States are set out on pp. 36 and 37, Part I, of the shorthand notes.

The document was furnished in the form of a type-written copy, and some delay has necessarily taken place in having it printed.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 48.

Mr. Tupper to the Earl of Rosebery.—(Received May 9.)

My Lord, *Paris, May* 8, 1893.

ON the 5th instant, Mr. Coudert continued his observations on the causes of the decrease in the number of seals resorting to the Pribyloff Islands, urging that the facts conclusively proved this decrease to be due to pelagic sealing, and that it was in no way attributable to the method of taking the seals on the breeding islands.

Mr. Coudert expects to finish his argument at the next meeting of the Tribunal.

I have, &c.
(Signed) CHARLES TUPPER.

No. 49.

Mr. Tupper to the Earl of Rosebery.—(Received May 12.)

My Lord, *Paris, May* 10, 1893.

AT the meeting of yesterday, Mr. Coudert continued his argument against pelagic sealing, and, after a short reference to the question of damages, concluded his speech shortly before the hour of adjournment.

Sir Charles Russell will open the argument on behalf of Great Britain at the meeting of to-day.

I have, &c.
(In the absence of Mr. Tupper),
(Signed) R. P. MAXWELL.

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* Copies of this Report will be deposited in the Library of each House of Parliament.

No. 50.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 12.)

My Lord, *Paris, May* 11, 1893.

AT the meeting of yesterday, the Attorney-General opened the argument for Great Britain with a summary of the position taken up by Her Majesty's Government.

He called attention to the various changes of front on the part of the United States which had taken place since the beginning of the diplomatic correspondence and to the novel propositions of law propounded by the United States' Counsel.

Sir Charles then proceeded to deal generally with the arguments in the speeches of Mr. Carter and Mr. Coudert, more especially with the attacks made upon the British Commissioners and upon pelagic sealing.

He had not concluded his preliminary statement when the Tribunal rose.

Sir Charles' opening speech was listened to with great interest by the largest audience of the public which has been present since the commencement of the sittings.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 51.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 12.)

My Lord, *Paris, May* 11, 1893.

I HAVE the honour to transmit to your Lordship, herewith, copies of the official Protocols of the Behring Sea Arbitration Tribunal, Nos. 10, 11, 12, 13, and 14.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 51.

Protocole No. 10.—*Séance du Mardi,* 18 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Le Président, à l'ouverture de la séance, se référant à quelques paroles qu'il avait prononcées à la fin de la séance précédente, déclare que si, dans le cours des plaidoiries, les Arbitres sont amenés à présenter des observations ou à adresser des questions aux Conseils, ces observations ou ces questions ne doivent pas être considérées comme exprimant une opinion de la part de l'Arbitre qui les formule, et encore moins comme engageant le pays auquel il appartient. Elles sont simplement, pour le Tribunal, un moyen d'obtenir, des représentants des parties, un éclaircissement plus complet des points en discussion.

Sur l'invitation du Président, *Mr. James C. Carter* continue alors son plaidoyer.

La séance est suspendue à 1 heure 30.

A la reprise, *Mr. Carter* reprend son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 18 Avril, 1893, et ont signé :

Le Président.. .. .. .. ALPH. DE COURCEL.
L'Agent des États-Unis .. .. JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. CHARLES H. TUPPER.
Le Secrétaire.. .. .. .. A. IMBERT.

[English version.]

Protocol No. 10.—*Meeting of Tuesday, April* 18, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

The President, at the opening of the meeting, referring to a few remarks which he had made at the end of the preceding sitting, announced that, if in the course of the arguments, the Arbitrators were lead to make observations or to address questions to Counsel, these observations or questions must not be considered as expressing any opinion on the part of the Arbitrator who makes them, and still less as binding the country to which he belongs. They are simply, so far as the Tribunal is concerned, the means of obtaining from the representatives of the parties a more complete elucidation of the points under discussion.

Upon the invitation of the President, *Mr. James C. Carter* then continued his argument.

At 1·30 P.M. the Tribunal took a recess.

On the reassembling of the Tribunal, *Mr. Carter* resumed his argument.

At 4 P.M. the Tribunal adjourned to the next day, at 11·30 A.M.

Done at Paris, the 18th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 51.

Protocole No. 11.—*Séance du Mercredi*, 19 *Avril*, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. James C. Carter reprend son argumentation.

La séance est suspendue à 1 heures 30.

A la reprise, *Mr. Carter* continue sa plaidoirie.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 19 Avril, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 11.—*Meeting of Wednesday, April* 19, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Mr. James C. Carter resumed his argument.

At 1·30 the Tribunal took a recess.

On the reassembling, *Mr. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned till the next day, at 11·30 A.M.

Done at Paris, the 19th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 51.

Protocole No. 12.—*Séance du Jeudi,* 20 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Agent des États-Units fait remettre au Tribunal un recueil de "Citations empruntées à des ouvrages de Jurisconsultes et d'Économistes comme Appendices à l'Argument des États-Unis."

Mr. James C. Carter reprend son argumentation de la veille.

La séance est suspendue à 1 heure 30.

A la reprise, *Mr. Carter* continue son plaidoyer.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 20 Avril, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 12.—*Meeting of Thursday, April* 20, 1893.

THE Tribunal assembled at 11·30 A.M , all the Arbitrators being present.

The Agent for the United States caused to be delivered to the Tribunal a collection of "Citations from the writings of Jurists and Economists as an Appendix to the Argument of the United States."

Mr. James C. Carter resumed his argument of the preceding day.

At 1·30 the Tribunal took a recess.

On reassembling *Mr. Carter* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.

Done at Paris, the 20th April, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 51.

Protocole No. 13.—*Séance du Vendredi,* 21 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. James C. Carter reprend sa plaidoirie.

A 1 heure 30 la séance est suspendue.

A la reprise *Mr. Carter* continue son argumentation.

La séance est levée à 4 heures.

Le Tribunal s'ajourne au Mardi, 25 Avril, à 11 heures 30.

Ainsi fait à Paris, le 21 Avril, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 13.—*Meeting of Friday, April* 21, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Mr. James C. Carter resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling *Mr. Carter* continued his argument.
At 4 P.M. the Tribunal adjourned till Tuesday, the 25th April, at 11·30 A.M.
Done at Paris, the 21st April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 5 in No. 51.

Protocole No. 14.—*Séance du Mardi,* 25 *Avril,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents, à l'exception de Lord Hannen, retenu chez lui pour cause de maladie.

Sir Richard Webster se lève pour déclarer que toute décision du Tribunal en vue d'une suspension de ses travaux, pendant le temps nécessaire pour assurer le complet rétablissement de Lord Hannen, serait conforme aux désirs des Conseils du Gouvernement Britannique.

L'Honorable E. J. Phelps s'exprime dans le même sens, au nom des Conseils du Gouvernement des États-Unis.

Le Président fait alors connaître que le Tribunal a décidé de s'ajourner jusqu'au Mardi, 2 Mai, à 11 heures 30.

Ainsi fait à Paris, le 25 Avril, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 14.—*Meeting of Tuesday, April* 25, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present with the exception of Lord Hannen, confined to his house by illness.

Sir Richard Webster rose and stated that any decision of the Tribunal as to a suspension of its labours during the time necessary to insure the complete recovery of Lord Hannen, would be in accordance with the wishes of the Counsel of the British Government.

The Honourable E. J. Phelps expressed himself to the same effect in the name of the Counsel of the Government of the United States.

The President then announced that the Tribunal had decided to adjourn until Tuesday, the 2nd May, at 11·30 A.M.

Done at Paris, the 25th April, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 52.

Mr. Tupper to the Earl of Rosebery.—(Received May 17.)

My Lord, *Paris, May 15, 1893.*

ON the 11th instant the Attorney-General, after a further comment on the references made by the United States to the Report of the British Commissioners, discussed at some length the history of the seizures of British vessels in Behring Sea by the United States' Government, the grounds on which the vessels had been condemned, and the consequent liability of the United States in the event of the Arbitrators deciding that the seizures were not justifiable.

The Argument was continued on the following day, special reference being made to the Revised Statutes of the United States dealing with the territory of Alaska, and to the proceedings in the United States' District Court at Sitka in the case of the schooner "Thornton."

Sir Charles Russell went on to show that in the Case presented on behalf of the United States, great stress had been laid upon the jurisdiction over the waters of Behring Sea alleged to have been exercised by Russia for the protection of the seal fisheries, and that it was not until the delivery of the Counter-Case and Argument that this portion of the Case was declared to be of minor importance.

The Attorney-General further pointed out that now that the part of the United States' Case containing the erroneous translations of the Russian documents had been withdrawn no proof remained of any exercise of these rights of jurisdiction by Russia.

The Argument on this question had not concluded when the Tribunal adjourned.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 53.

Mr. Tupper to the Earl of Rosebery.—(Received May 26.)

My Lord, *Paris, May 23, 1893.*

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 15 to 18 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 53.

Protocole No. 15.—Séance du Mardi, 2 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. James C. Carter reprend et achève son argumentation sur les points de droit. Au moment où il passe à l'examen de la question des Règlements, Sir Charles Russell fait observer que les Conseils de la Grande-Bretagne sépareront absolument dans la discussion les questions de droit de celles qui concernent la réglementation.

Le Président rappelle que le Tribunal a décidé, sans préjuger aucune question de droit, de laisser aux Conseils des deux parties, qui se sont mis d'accord à ce sujet, liberté entière de disposer leurs plaidoiries de la façon qui leur convenait, tout en traitant autant que possible séparément les questions de droit et celle des Règlements, et prend acte de ce que les deux parties ont décidé de déférer à cette demande.

La séance est suspendue à 1 heure 30.

A la reprise, *Mr. Carter* achève sa plaidoirie.

A 3 heures 30, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 2 Mai, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN. W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 15.—*Meeting of Tuesday, May* 2, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Mr. James C. Carter resumed and concluded his argument on the matters relating to right. As he was proceeding to deal with the question of Regulations, *Sir Charles Russell* observed that the Counsel of Great Britain would in the discussion keep absolutely separate matters relating to right, and those relating to Regulations.

The President recalled the fact that the Tribunal had decided, without prejudging the question of right, to give to Counsel on each side, who had agreed upon this point, full liberty to arrange their arguments in such manner as they thought most convenient, but always, as far as possible, so as to keep the questions of right distinct from the Regulations, and added that the Tribunal took note that both parties had decided to defer to this desire.

At 1·30 the Tribunal took a recess.

On reassembling *Mr. Carter* finished his argument.

At 3·30 P.M. the Tribunal adjourned till the next day at 11·30 A.M.

Done at Paris, the 2nd May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 53.

Protocole No. 16.—*Séance du Mercredi,* 3 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable John W. Foster annonce qu'il sera très prochainement en mesure de faire distribuer aux membres du Tribunal le compte rendu sténographique, revu et corrigé, de l'argumentation qu'a terminée la veille Mr. James C. Carter.

Sur l'invitation du Président, *Mr. Frederick R. Coudert* commence alors sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *Mr. Coudert* continue son argumentation.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 3, Mai, 1893, et ont signé:

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 16.—*Meeting of Wednesday, May* 3, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

The Honourable John W. Foster announced that in a very short time he expected to be able to deliver to the members of the Tribunal, a shorthand report revised and corrected, of Mr. James C. Carter's argument as concluded the previous day.

Upon the invitation of the President, *Mr. Frederick R. Coudert* then began his argument.

At 1·30 the Tribunal took a recess.

On reassembling *Mr. Coudert* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 3rd May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 53.

Protocole No. 17.—*Séance du Jeudi, 4 Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Mr. Frederick R. Coudert reprend sa plaidoirie de la veille.
La séance est suspendue à 1 heure 30.
A la reprise, *Mr. Coudert* continue son argumentation.
A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 4 Mai, 1893, et ont signé:

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 17.—*Meeting of Thursday, May 4,* 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Mr. Frederick R. Coudert resumed his argument of the preceding day.
At 1·30 the Tribunal took a recess.
On reassembling *Mr. Coudert* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 4th May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 53.

Protocole No. 18.—*Séance du Vendredi,* 5 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Mr. Frederick R. Coudert reprend son argumentation.
A 1 heure 30 la séance est suspendue.
A la reprise, *Mr. Coudert* continue sa plaidoirie.
A 4 heures, la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 9 Mai, à 11 heures 30.
Ainsi fait à Paris, le 5 Mai, 1893, et ont signé:

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 18.—*Meeting of Friday, May* 5, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Mr. Frederick R. Coudert resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling *Mr. Coudert* continued his argument.
At 4 P.M. the Tribunal adjourned until Tuesday, the 9th May, at 11·30 A.M.
Done at Paris, the 5th May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 54.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 26.)

My Lord, *Paris, May* 24, 1893.

AT the meeting of yesterday, Sir Charles Russell continued his argument on the 5th question of Article VI of the Treaty.

He contended that this question might be interpreted as referring to an exclusive right to take fur-seals in Behring Sea, but assumed for the purpose of argument that the wider meaning attached to it by the United States was correct. This interpretation is, as your Lordship is aware, the assertion of a right of property in the seal-herd, and the sealing industry.

Sir Charles proceeded to reply generally to Mr. Carter's arguments on this head, and entered into the questions of the alleged domestic character of the seals, the intermingling of the so-called herds, the length of their stay on the islands, and the possibility of identification.

He then commenced an examination of the propositions of law put forward by Mr. Carter in this connection, and had not concluded this portion of his subject when the Tribunal rose.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 55.

Mr. Tupper to the Earl of Rosebery.—(*Received May* 26.)

My Lord, *Paris, May* 25, 1893.

AT the meeting of yesterday, Sir Charles Russell proceeded with his examinations of the legal propositions put forward by Mr. Carter, and dealt with the various authorities cited in the printed Argument of the United States, which, he argued, entirely supported the British contention with regard to the question of property in the fur-seals.

He supplemented these authorities by citing those quoted in the British Counter-Case and Argument, and, after alluding to the French laws on the subject of property in animals, concluded his observations for the day with an explanation of the bearings of natural and moral law on the principles of international jurisprudence.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 56.

Mr. Tupper to the Earl of Rosebery—(Received May 27.)

My Lord, *Paris, May 26, 1893.*

AT the meeting of yesterday, Sir Charles Russell, after briefly supplementing his remarks of the preceding day, proceeded to a detailed examination of the printed argument by Mr. Phelps, which appears on pp. 130–179 of the Argument of the United States. Your Lordship will remember that the subject dealt with therein is the claim of the United States to an interest, an industry, and a commerce in the produce of the seal-herd and to a right of protecting the same, irrespective of any distinct right of property in the seals.

Sir Charles had not concluded his criticism on Mr. Phelps' argument when the Tribunal rose for the day.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 57.

The Earl of Rosebery to Mr. Tupper.

(Telegraphic.) *Foreign Office, May 29, 1893.*

IN view of what has passed in the arguments before the Tribunal respecting the effect of the *modus vivendi* of last year, I think it must be left entirely to your discretion to decide, in consultation with Counsel, whether any claim for compensation under Article V of the Treaty of the 18th April, 1892, shall be pressed on behalf of Her Majesty's Government.

No. 58.

Mr. Tupper to the Earl of Rosebery.—(Received May 31.)

My Lord, *Paris, May 30, 1893.*

AT the meeting of the Tribunal on the 26th instant, Sir Charles Russell continued his examination of the illustrations and cases cited by Mr. Phelps in the printed Argument of the United States, and was dealing with the analogies sought to be drawn from legislation in British Colonies and various foreign countries in regard to seal fisheries, when the Tribunal adjourned for the day.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 59.

The Earl of Rosebery to Mr. Tupper.

(Telegraphic.) *Foreign Office, May 31, 1893.*

YOU may authorize Counsel to state to the Tribunal that an arrangement has been concluded with the Russian Government for the prohibition of sealing within a zone of 10 miles from the Russian coasts in Behring Sea and other parts of the North Pacific Ocean, and of 30 miles round the Commander Islands and Robben Island; this arrangement to be a provisional one for the present year, and without prejudice to the rights or position of either Power. The correspondence will be laid before Parliament forthwith. It may also be stated that, although no official reply has been received on the subject of the seizures made by Russian cruizers last year, it is understood that these are justified on the ground that the vessels were seized for acts just committed in Russian territorial waters.

No. 60.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 31, 1893.

I AM directed by the Earl of Rosebery to forward, for the information of the Marquis of Ripon, a paraphrase of a telegram* which has been addressed to the British Agent for the Behring Sea Arbitration in regard to the possible claim of Her Majesty's Government for compensation under Article V of the Treaty of Washington of the 18th April, 1892.

That Article provides that if the decision of the Arbitrators should affirm the right of British sealers to take seals in Behring Sea within the bounds claimed by the United States, then compensation should be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the Arbitration upon the basis of such a regulated and limited catch or catches as, in the opinion of the Arbitrators, might have been taken without an undue limitation of the seal herds. Further, the amount awarded, if any, shall be such as under all the circumstances is just and equitable.

As a matter of fact, however, it has been found that while the United States, under the *modus vivendi* of last year, were restricted to a catch of 7,500, the pelagic catch, although the sealing vessels kept outside the prohibited limits, was larger than in previous years. This fact has been strongly brought forward by the United States' Counsel before the Tribunal.

It is not probable that, under such circumstances, the Arbitrators would consider that the British sealers were, under any circumstances, entitled to compensation for a loss of catch during 1892, and it is possible that the British Case might be prejudiced by the claim being urged.

This view of the case was represented by Sir R. Webster, who was in England for two days on the 29th and 30th instant, and Lord Rosebery thought it was better at once to inform Mr. Tupper that the question whether the claim should be advanced must be left to his discretion in consultation with the British Counsel.

His Lordship has no doubt that Lord Ripon will concur in that view.

I am, &c.

(Signed) T. H. SANDERSON.

No. 61.

Mr. Tupper to the Earl of Rosebery.—(Received June 1.)

My Lord, *Paris, May* 31, 1893.

AT the meeting of yesterday, Sir Charles Russell proceeded with his examination of the analogies sought to be drawn by the United States from colonial and foreign regulations in regard to seal fisheries. He then dealt with the United States' contentions that not only seal fisheries but also other fisheries, more especially those of pearl, coral, and herring, are protected by extra-territorial laws of other nations. He passed on to the consideration of the St. Helena Act, and certain cases quoted by the United States bearing on extra-territorial jurisdiction, and had just concluded this portion of his argument when the Tribunal adjourned. Sir Charles expects to finish his speech this morning.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 62.

Mr. Tupper to the Earl of Rosebery.—(Received June 2.)

My Lord, *Paris, June* 1, 1893.

AT the meeting of yesterday, Sir Charles Russell, having concluded his examination of the various authorities cited by the United States, proceeded to sum up the various points in his argument, and to lay before the Tribunal the findings which he asked for in regard to the questions of fact involved in the claim for damages put forward in the British Case.

* No. 57.

He stated that Great Britain would not ask from the Tribunal any finding for damages under Article 5 of the *modus vivendi* of 1892, and Mr. Phelps admitted that the United States had on their side abandoned any claims under this head.

Sir Charles then re-stated to the Tribunal the replies which Great Britain contends should be given to the five questions of Article VI of the Treaty, as set forth at pp. 26 and 63 of the British Argument, and after explaining that his argument had been only directed to the question of legal right, as distinct from regulations, concluded his speech with an eloquent appeal to the Tribunal for an award in conformity with the principles of law which would be a victory for peace.

Sir Charles, whose concluding words were listened to with deep interest by a large audience, was thanked by the President for the vigour and incisiveness of his argument.

Sir Richard Webster then opened his speech, and addressed himself to an examination of the first four questions of Article VI of the Treaty, which he had not concluded when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 63.

Mr. Tupper to the Earl of Rosebery.—(Received June 3.)

My Lord, *Paris, June 2, 1893.*

AT the meeting of yesterday, Sir Richard Webster continued his argument with regard to the first four questions under Article VI of the Treaty, and discussed the interpretation of the expressions "North-west Coast of America" and "Pacific Ocean," as illustrating the Treaties of 1824 and 1825 between Russia and the United States and Russia and Great Britain respectively.

Sir Richard had substantially concluded this part of his argument when the Tribunal adjourned for the day.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 64.

Mr. Tupper to the Earl of Rosebery.—(Received June 5.)

My Lord, *Paris, June 3, 1893.*

WITH reference to my despatch of the 18th April, I have the honour to transmit to your Lordship copies of further correspondence which I have had with General Foster respecting the shorthand notes of the proceedings before the Tribunal of Arbitration.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 64.

Mr. Tupper to Mr. Foster.

Dear Mr. Foster, *Paris, May 16, 1893.*

HAVING reference to your recent request for copies of the daily report of Sir Charles Russell's argument, as well as of the revised proof of it, when ready, it occurs to me that the experience gained by us both since the date of our correspondence on the subject of the shorthand notes, may enable us to resume the arrangement originally contemplated, whereby the expense of the work would fall equally upon the United States and Great Britain. If this is possible, I shall of course be happy to supply you with complete copies of all the shorthand notes, and will see that they are regularly supplied in future.

I laid upon your desk to-day three copies of the printed Report of Mr. Elliott. Mr. Stanley-Brown has also asked for and received a copy, and Mr. Williams, one of the Counsel for the United States, has expressed a desire for further copies.

I take it that the printing in the case of Mr. Elliott's Report may be fairly

considered a joint charge, and if you agree I shall be glad to supply you with copies equal in number to those received by us.

You were good enough to supply us with copies of Mr. Carter's argument as revised by him.

Of course, if we recur to the shorthanding as a joint charge, we shall be happy to bear half of the expense of the taking and printing of Mr. Carter's argument.

If, however, you do not feel inclined to bear half of the cost of the printing with us, I will send you copies of the Report of Sir Charles Russell's argument when revised.

Yours, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 2 in No. 64.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper, *Paris, May* 17, 1893.

ACKNOWLEDGING the receipt of your letter of the 16th instant, I beg to remind you that you have misapprehended the purport of my conversation to which you refer. Its object was to ascertain what further number of copies of Mr. Carter's argument you desired, and I incidentally inquired whether you would deliver to us Sir Charles Russell's argument by means of the daily reports or in the revised form. I expressly disavowed making any request on the subject.

I regret to have to say, in response to your suggestion, that the events since our last correspondence on the subject have not lead to any change of view on the part of the Representatives of the United States as to the practicability of the daily shorthand reports. Our Counsel regard them in the manner reproduced in the morning after each session, so far as they are concerned, as entirely unsatisfactory, and as not serving any useful purpose.

I am sorry not to be able to concur in your proposition respecting the printing and distribution of the Elliott Report. The United States does not propose to make it evidence in its behalf. It has been printed by the British Government without the knowledge or approval of the Representatives of the United States. If it is introduced as evidence by the British Government, and thereby made a part of its Case, it would seem to be a fair claim on the part of the United States to be supplied with the same number of copies of it as have been heretofore furnished of the other printed documentary evidence accompanying the Case and Counter-Case of Great Britain.

I hold myself ready to furnish you with such additional number of copies of Mr. Carter's argument as you may desire.

I am, &c.
(Signed) JOHN W. FOSTER.

No. 65.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 5.)

My Lord, *Paris, June* 3, 1893.

I HAVE the honour to inclose, for your Lordship's information, copies of a letter which, with the approval of Counsel, I addressed to Mr. Foster, and of his reply with regard to the question of the ownership of sealing vessels engaged in the Behring Sea fishery

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 65.

Mr. Tupper to Mr. Foster.

Dear Mr. Foster, *Paris, May* 26, 1893.

REFERRING to the suggestion advanced on p. 130 of the United States' Counter-Case that some of the vessels for the seizure of which damages are claimed by Her Majesty's Government, were owned by citizens of the United States, and to the promise made to the Tribunal by the Attorney-General on the 11th May, that, if

possible, the Arbitrators should not be troubled with the consi
I now write to inquire whether we can agree upon the facts i
the Attorney-General's suggestion should be made effective.

As regards Mr. Franks, I have not as yet complete evidence.

As regards Mr. Boscowitz, this gentleman denies that he is
vessels, and further denies that he is an American citizen. And as at
I shall have to ask the Tribunal so to hold, unless of course it is possibl
may be, for me to come to an arrangement with you upon this matter.

Your suggestion being first made in your Counter-Case, it was not
produce in Court evidence on the point in the ordinary way, but Mr. Boscowitz
at the present moment to be in Paris, and I would suggest that a fair way of
the actual facts would be, that we should examine, and that you should cross-ex
Mr Boscowitz in the presence of a shorthand writer. His evidence might t
laid before the Arbitrators as material for a decision if this should be thought nec
by either side.

I am, &c.
(Signed) CHARLES H. TUPP

Inclosure 2 in No. 65.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper, *Paris, May 27, 18*

I HAVE the honour to acknowledge the receipt of your communication
26th instant, in which you inform me that a Mr. Boscowitz "happens at the
moment to be in Paris," and, in view of certain proofs adduced in behalf of the
States respecting him, you suggest that he be examined and cross-examined h
the purpose of submitting his evidence to the Arbitrators as material for a deci
their part.

An examination of the Treaty under which the pending Arbitration is cons
must satisfy you that I have no power or authortty to accede to your reques
manner in which evidence is to be submitted to the Arbitrators is precisely f
the terms of the Treaty, and no opportunity or method for such submission is
afforded to either party except through its respective Case and Counter-Case.

Besides, it would hardly seem reasonable to allow one party, after the
Counter-Case, and printed Argument had been submitted and while the oral ar
was in progress and near its close, to examine an important witness on its behal
the witnesses of the other party, whose testimony might be material to ref
statements, were 6,000 miles away, and who could not be reached in time to
their testimony to the Tribunal.

Referring to your inquiry as to whether we can agree upon the facts in dis
order that the suggestion of Sir Charles Russell might be made effective,
pleasure in saying that I am prepared to concur with you in any statement o
proper to be considered by the Tribunal and warranted by the evidence now legiti
before that Body.

In closing I beg to remind you that the suggestion ". . . . that some
vessels for the seizure of which damages were claimed by Her Majesty's Gover
were owned by citizens of the United States," was not for the first time adv
by the United States in the Counter-Case, as will be seen by reference to the Ca
the United States, Appendix, vol. II, p. 505.

I am, &c.
(Signed) JOHN W. FOSTE

No. 66.

Mr. Tupper to the Earl of Rosebery.—(Received June 5.)

My Lord, *Paris, June 3, 18*

I HAVE the honour to transmit to your Lordship copies of the official Pro
Nos. 19 to 23 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPE

Inclosure 1 in No. 66.

Protocole No. 19.—*Séance du Mardi*, 9 *Mai*, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. Frederick R. Coudert reprend son argumentation.

A 1 heure 30 la séance est suspendue.

A la reprise, *Mr. Coudert* achève sa plaidoirie.

L'Honorable Edward J Phelps se lève pour annoncer au Tribunal, avant que les Conseils de la Grande-Bretagne commencent leur augumentation, que, dans sa réplique, il s'appuiera sur toutes les citations et propositions contenues dans l'Argument des États-Unis, de la page 130 à la page 190.

Le Président donne acte à l'Honorable Edward J Phelps de cette déclaration.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 9 Mai, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English Version.]

Protocol No. 19.—*Meeting of Tuesday, May* 9, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Mr. Frederick R. Coudert resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Mr. Coudert* concluded his argument.

The Honourable Edward J. Phelps rose to inform the Tribunal, before the Counsel of Great Britain commenced their argument, that in his reply he would rely upon all the authorities and points referred to between pages 130 and 190 of the printed Argument of the United States.

The President said that the Tribunal would take note of the Honourable Edward J. Phelps' declaration.

At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.

Done at Paris, the 9th May, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 66.

Protocole No. 20.—*Séance du Mercredi*, 10 *Mai*, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Agent des États-Unis fait distribuer aux membres du Tribunal le compte rendu sténographique, revu et corrigé, de l'argumentation de *Mr. James C. Carter*.

Sur l'invitation du Président, *Sir Charles Russell* commence sa plaidoirie pour la Grande-Bretagne.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue son argumentation.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 10 Mai, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis.. ..	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 20.—*Meeting of Wednesday, May* 10, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

The Agent of the United States caused to be delivered to the members of the Tribunal a shorthand report, revised and corrected, of *Mr. James C. Carter's* argument.

Upon the invitation of the President, *Sir Charles Russell* began his argument for Great Britain.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M., the Tribunal adjourned to the next day at 11·30 A.M.

Done at Paris, the 10th May, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 66.

Protocole No. 21.—*Séance du Jeudi,* 11 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend son argumentation et annonce qu'il présentera, à une date ultérieure, au nom du Gouvernement de la Grande-Bretagne, une liste des questions de fait sur lesquelles il demande au Tribunal de se prononcer, en exécution de l'Article VIII du Traité d'Arbitrage.

Le Président fait remarquer que le Tribunal réserve son appréciation de ces questions, tout en laissant à Sir Charles Russell pleine liberté de traiter le sujet de la manière qui lui conviendra.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 11 Mai, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 21.—*Meeting of Thursday, May* 11, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell, in continuing his argument, announced that on a futur[illegible] day he would submit on the part of Great Britain a list of the findings of facts, whic[illegible] Tribunal was requested to make under Article VIII of the Treaty of Arbitration.

The President remarked that these questions would be considered by the Tribunal with full liberty for Sir Charles Russell to deal with the matter as he thought proper.

At 1·30 the Tribunal took a recess.

On reassembling *Sir Charles Russell* continued his argument.

The Tribunal adjourned at 4 P.M. till 11·30 the next day.

Done at Paris, the 11th May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 66.

Protocole No. 22.—*Séance du Vendredi,* 12 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise *Sir Charles Russell* continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 16 Mai, à 11 heures 30.

Ainsi fait à Paris, le 12 Mai, 1893, et ont signé:

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 22.—*Meeting of Friday, May* 12, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, the 16th May, at 11·30 A.M.

Done at Paris, the 12th May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 5 in No. 66.

Proctocole No. 23.—*Séance du Mardi,* 16 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue son argumentation.

A 4 henres la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 16 Mai, 1893, et ont signé:

Le Président .. .. .. ALPH. DE COURCEL.
L'Agent des États-Unis .. .. JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. CHARLES H. TUPPER.
Le Secrétaire .. .. .. A. IMBERT.

[English version.]

Protocol No. 23.—Meeting of Tuesday, May 16, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned till 11·30 A.M. the next day.

Done at Paris, the 16th May, 1893, and signed:

The President .. .. .. ALPH. DE COURCEL.
The Agent for the United States .. JOHN W. FOSTER.
The Agent for Great Britain .. CHARLES H. TUPPER.
The Secretary .. .. .. A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 67.

Mr. Tupper to the Earl of Rosebery.—(Received June 8.)

My Lord, *Paris, June 6, 1893.*

AT the meeting of the Tribunal held on the 2nd instant, Sir R. Webster, after referring to the question of the limits of territorial waters, went on to show how little value had been attached to the fur-seal fisheries at the time of the purchase of Alaska by the United States.

He was proceeding with the discussion of the 5th question of Article VI of the Treaty, when Mr. Justice Harlan stated that, before this portion of the argument was commenced, he would be glad to see the draft "Projet" which Mr. George Canning inclosed in his letter to Mr. Stratford Canning of the 8th December, 1824. This document, as your Lordship will remember, was not included among the correspondence printed in Volume II of the Appendix to the British Case, for the reason that no trace of it could be discovered, and a statement to this effect was made to the Tribunal by Sir R. Webster.

Sir Richard then reviewed at some length the various contentions by which the Government of the United States have endeavoured to establish their claim to property or a property interest in the fur-seals frequenting the Pribyloff Islands.

He had not concluded his remarks on this subject when the Tribunal adjourned until this morning.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 68.

Mr. Tupper to the Earl of Rosebery.—(Received June 8.)

My Lord, *Paris, June 7, 1893.*

AT yesterday's meeting of the Tribunal, M. Gram opened the sitting with a statement as to the special rules concerning territorial waters which were necessitated by the natural conditions of Sweden and Norway.

He explained that the fiords of those countries had been from time immemorial considered as "inner waters," and that this principle had been always maintained even as against foreign subjects. The 3-mile limit had never been recognized by either country, nor had they concluded or acceded to any Treaty consecrating that rule.

At the conclusion of M. Gram's remarks the President, while begging both parties to bear in mind the explanation they had just heard, wished to state very distinctly that the question of the definition of territorial waters was not before the Tribunal.

Sir Richard Webster then continued his argument on the question of property in the seals and the sealing industry, and criticized in detail the positions maintained by the United States' Counsel.

In the course of some observations directed to prove the intermingling of the seals in Behring Sea, Sir Richard read a passage from the Supplementary Report of the British Commissioners. This drew forth a protest from Mr. Phelps as to the use which was being made of the document quoted, and after some discussion (reported on pp. 1366-71 of the shorthand notes), it was arranged that the matter should be referred to at a later stage, when the question of Regulations was argued.

I beg to call your Lordship's special attention to a statement made by Mr. Phelps (as reported at p. 1402 of the notes) in the course of a discussion in regard to Prize Courts initiated by Senator Morgan. Mr. Phelps' words were as follows:—

"I conceive that no question whatever in regard to the validity of the seizures, and no question whatever in respect of the right of the United States to seize any vessel hereafter, is submitted under this Treaty to the Tribunal so far as I am concerned."

If this statement accurately represents the position of the United States, it is difficult to understand how it can be reconciled with the circumstances which led to this Arbitration.

Sir Richard Webster had not concluded his argument at the close of the day's proceedings.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 69.

Mr. Tupper to the Earl of Rosebery.—(Received June 9.)

My Lord, *Paris, June 8, 1893.*

AT the meeting of the Tribunal yesterday, Sir Richard Webster continued his argument, and commenced by referring to the remark made by Mr. Phelps, to which I called your Lordship's attention in my immediately preceding despatch, asserting that no question in respect to the validity of British vessels was submitted to the Tribunal.

After showing that the attitude thus assumed by Mr. Phelps was inconsistent with the suggestions made in the Case and Counter-Case of the United States respecting the proposed findings of the Tribunal, Sir Richard passed on to his main argument, which he shortly afterwards concluded with some telling references to the rights of all nations to participate in ocean fisheries.

On the conclusion of his speech, Sir Richard Webster was complimented by the President on the substantial and useful observations with which he had supplemented the argument of the Attorney-General. Baron de Courcel added an expression of his admiration for the manner in which the Attorney-General of yesterday and to-day had worked together, and remarked on the enviable condition of a country where party spirit admitted of such brotherly association when the national interest was at stake.

Mr. Robinson followed Sir Richard Webster. He dealt generally with the various questions of right which are at issue, and, after referring to the interpretation to be placed upon the terms "Pacific Ocean" and "North-West Coast," touched on the alleged domestic nature of the seals, and the claims founded by the United States on this contention. He concluded the proceedings for the day with an able and humorous criticism on the assumption by the United States of the position of Trustees of the industry.

Mr. Robinson expects to conclude his speech to-day.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 70.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 10.)

My Lord, *Paris, June* 9, 1893.

AT the meeting of yesterday, Mr. Robinson continued his argument on the property claim alleged by the United States, and while contending that the cruelty of the methods had no bearing on the question of right, he briefly discussed the charges of this nature preferred against pelagic sealers. He quoted from the Report of Mr. Palmer, to show that whatever barbarity there might be in the methods of killing seals at sea, the manner in which the seals were driven and killed upon the islands was more barbarous than pelagic sealing.

At the close of Mr. Robinson's argument, Mr. Foster laid before the Tribunal a statement of the regulations which the Government of the United States submitted were necessary in the event of the questions described in Article VI of the Treaty being decided in such a manner that the concurrence of Great Britain should be necessary to the establishment of such regulations.

This statement appears at pp. 1476 and 1477 of the shorthand notes; and, as your Lordship will observe, it amounts to a demand by the United States for the total suppression of pelagic sealing in the North Pacific Ocean.

In the afternoon, the Attorney-General addressed the Tribunal on the principles which, in his opinion, should be borne in mind by the Tribunal when approaching the question of regulations.

He first dealt with the area over which the jurisdiction of the Tribunal extended. From the general language of the Treaty, he argued, that while it might be said that their jurisdiction extended to all the resorts of the fur-seal outside the territorial limits of either Power, from the diplomatic correspondence previous to the Treaty of Arbitration, it clearly appeared that all that was in the mind of the framers of that Treaty as the area in dispute was the eastern portion of Behring Sea.

Sir Charles Russell next proceeded to show that pelagic sealing had, at the worst, played but a secondary part in the diminution of the seal herd, and he was discussing this question when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 71.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 14.)

My Lord, *Paris, June* 13, 1893.

AT the meeting of the 9th instant, Sir Charles Russell continued his argument to show that the decrease of the seals upon the Pribyloff Islands could not have been altogether due to pelagic sealing, but was mainly attributable to the methods employed on the breeding islands.

Sir Charles Russell then discussed the relative value of the sealing industries at sea and on the islands, the common interest in sealing, and the other considerations to which he claimed attention should be given in framing Regulations for the proper protection and preservation of the fur-seal.

The Attorney-General deferred to the next meeting of the Tribunal a consideration of the actual Regulations proposed by the Governments of Great Britain and the United States respectively.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 72.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 15.)

My Lord, *Paris, June* 14, 1893.

AT yesterday's meeting, the Attorney-General continued his argument on the question of Regulations. He criticized in strong terms the proposal put forward by the United States, as reported on p. 1476 of the shorthand notes, for a total suppression of pelagic sealing from Behring Strait down to the 35th parallel of north latitude, east of the 180th meridian. He characterized this proposal as involving a wider, more reckless, and more unfounded assertion of jurisdiction than the Russian claims under the Ukases of 1799 and 1821.

He then explained the nature of the Regulations suggested by Great Britain, which are founded upon those put forward in the Report of the British Commissioners.

Sir Charles proceeded to refer to the recent agreement with Russia for a *modus vivendi* in regard to the seal fisheries. He asserted that on the part of Russia there had been no claim to property in the seals or the sealing industry, that a zone of 30 miles was considered sufficient for the protection of female seals, and that no seizures were asserted to be lawful but those of vessels whose boats had been fishing in territorial waters.

Some discussion arose as to the propriety of the reference to this subject, in regard to which I beg to call your Lordship's attention to pp. 1566–1570 and 1571–1585 of the shorthand notes.

The Attorney-General concluded his speech just before the midday adjournment, and was followed by Sir R. Webster when the Tribunal reassembled. Having referred to the question of the agreement with Russia, Sir Richard passed on to a consideration of the area over which the Regulations should extend, maintaining that it should be confined to Behring Sea.

He had just explained the arrangement he intended to follow in his detailed argument on seal life when the hour of adjournment arrived.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 73.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 16.)

My Lord, *Paris, June* 15, 1893.

AT yesterday's meeting of the Tribunal, Sir Richard Webster proceeded with his examination of the evidence on the various points enumerated by him at the close of his speech on the previous day, with the object of justifying the Regulations proposed by Great Britain.

In the course of his argument Sir Richard alluded to Mr. Elliott's Report, and was proceeding to read an extract from an official United States' publication, to show the confidence reposed in him at the time of his selection as United States' Agent in 1890, when the Counsel for the United States objected.

It was subsequently arranged between Counsel that no criticisms on Mr. Elliott should be made by either side other than could be gathered from the face of the Report itself.

Your Lordship will find an account of this incident at pp. 1622–24 of the shorthand notes.

Sir Richard Webster will continue his argument to-morrow.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 74.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 17.)

My Lord, *Paris, June* 16, 1893.

AT the meeting of the Tribunal yesterday, Sir Richard Webster continued his argument in support of the Regulations suggested by Great Britain, and examined in detail the evidence on both sides regarding various points connected with seal life.

Sir Richard expects to conclude his speech at the meeting of to-day.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 75.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 19.)

My Lord, *Paris, June* 16, 1893.

AT the bottom of p. 343 of the Case presented on behalf of the United States, a quotation is made from a Report of Mr. Goff, who was Treasury Agent on the Pribyloff Islands in 1889.

The document from which this extract is taken is not included among the evidence presented by the United States, nor does it appear in the Report of Mr. Goff, which was produced by the Agent for the United States in compliance with the notice addressed to him by me on the 3rd October, 1892.

The Report of Mr. Goff produced refers to one of a Mr. Manchester. Desiring, if possible, to have all official Reports touching seal life before the Tribunal, I made a verbal request to the Agent for the United States for a copy of the documents in question.

A copy of the communication which I have received from Mr. Foster in reply is inclosed herewith, for your Lordship's information. It appears from this letter that Mr. Foster has no copy of the Reports in his possession in Paris, but that had this been the case, he was of opinion that, under the terms of the Treaty, he was not bound to comply with my request.

I do not think it will be deemed necessary for Counsel to call the attention of the Tribunal to this incident, but I may observe to your Lordship that the course adopted by the Agent for the United States does not indicate a desire on his part to lay before the Tribunal all the information respecting seal life which is in the possession of the United States' Government.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure in No. 75.

Mr. Foster to Mr. Tupper.

Dear Mr. Tupper, *Agency of the United States, Paris, June* 15, 1893.

REFERRING to your verbal request for copies of the Reports of Agents Manchester and Goff, I have to state that upon examination I find that we have already furnished you with the Goff Report cited in our Case (p. 153). The second reference in the Report of the United States' Commissioners (p. 343) appears to be another Report than the one furnished you.

In a search through the published Reports of the United States' Treasury Department in my possession, neither the Manchester nor second Goff Reports are found. It would therefore be necessary to apply to the Secretary of the Treasury for copies, should it be decided to accede to your request.

But, in consultation with the Counsel for my Government, it is not deemed proper by them that the terms of the Treaty as to evidence should be departed from at this late day in the proceedings, especially as neither of the Reports in question have been cited in either the Case or Counter-Case of the United States.

Very truly, &c.

(Signed) JOHN W. FOSTER.

No. 76.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 21.)

My Lord, *Paris, June* 20, 1893.

AT the meeting of the Tribunal held on the 16th instant, Sir Richard Webster continued his speech on the subject of Regulations, and his argument was directed to prove that the recent decrease observed in seal life was due in a large measure to the insufficiency of breeding males on the Pribyloff Islands, brought about by the system of killing on land practised under the control of the United States.

Sir Richard was unable to conclude his speech before the hour of adjournment.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 77.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 22.)

My Lord, *Paris, June* 21, 1893.

SIR RICHARD WEBSTER, before the Tribunal yesterday, continued his argument with regard to the scarcity of male seals on the breeding-grounds, and dwelt upon the injurious effect of the system of driving, as practised on the islands.

He concluded by submitting to the Tribunal a draft Scheme of Regulations proposed by Great Britain.

I have the honour to inclose a separate copy of this document.

A discussion arose on these proposals, which will be found reported at pp. 1779-1796 of the shorthand notes.

At the conclusion of Sir Richard's speech I read to the Tribunal the document, of which a copy is inclosed, setting forth the findings of fact with regard to the seizures of British vessels, which both parties were prepared to agree to.

Your Lordship will remember that, as reported on p. 1209 of the notes of the proceedings of the 30th day, the Attorney-General submitted to the Tribunal a suggestion on the part of Great Britain as to what these findings of fact should be. An alternative proposal was subsequently put forward on behalf of the United States, as reported at p. 1477 of the proceedings of the 35th day.

A conference was shortly afterwards held between the Agent and Counsel of both parties, at which the terms of the findings to be suggested to the Tribunal were agreed upon.

At this conference, it was understood that there was no intention on the part of the United States to place obstacles in the way of further consideration of the amount of our claim for damages and the ownership of the vessels seized, and that while these subjects would not be pressed upon the Tribunal, our rights should not be in any way prejudiced.

A short discussion arose on this paper, which is reported at pp. 1799-1802 of the notes.

Mr. Robinson then continued the discussion on Regulations on behalf of Great Britain. He had not concluded his speech at the close of the day's proceedings.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 77.

Regulations.

ALL vessels engaging in pelagic sealing shall be required to obtain licences at one or other of the following ports:—Victoria, in the Province of British Columbia; Vancouver, in the Province of British Columbia; Port Townsend, in Washington Territory in the United States; San Francisco, in the State of California in the United States.

2. Such licences shall only be granted to sailing-vessels.

3. A zone of 20 miles around the Pribyloff Islands shall be established, within which no seal hunting shall be permitted at any time.

4. A close season from the 15th September until the 1st July shall be established, during which no pelagic sealing shall be permitted in Behring Sea.

5. No rifles or nets shall be used in pelagic sealing.

6. All sealing vessels shall be required to carry a distinguishing flag.

7. The masters in charge of sealing vessels shall keep accurate logs as to the times and places of sealing, the number and sex of the seals captured, and shall enter an abstract thereof in their official logs.

8. Licences shall be subject to forfeiture for breach of above Regulations.

Inclosure 2 in No. 77.

Findings of Fact proposed by the Agent of Great Britain and agreed to as proved by the Agent for the United States, and submitted to the Tribunal of Arbitration for its consideration.

THAT the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule to the British Case, pp. 1 to 60, inclusive, were made by the authority of the United States' Government. The questions as to the value of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from and have not been considered by the Tribunal, it being understood that it is open to the United States to raise these questions, or any of them, if they think fit, in any future negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule to the British Case.

2. That the seizures aforesaid, with the exception of the "Pathfinder," seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto, marked (C).

3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the commanders of which had, at the several times when they were made, from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto, marked (A), and that the others were, in all substantial respects, the same; that in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked (B), and that the libels in the other proceedings were in all substantial respects the same; that the alleged acts or offences for which said several searches and seizures were made were in each case done or committed in Behring Sea, at the distances from shore aforesaid; and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States; and in those cases in which the vessels were released, the seizure was made by the authority of the United States. That the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea, at the distances aforesaid from the shore.

4. That the several orders mentioned in the Schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea, were made by public armed vessels of the United States, the commanders of which had, at the several times when they were given, like instructions as mentioned in Finding 3 above proposed, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States.

5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized, as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60, inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the prize jurisdiction, but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel.

Annex (A).

(See British Counter-Case, Appendix, Vol. I, p. 72.)

Treasury Department, Office of the Secretary,
Washington, April 21, 1886.

Sir,

Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Bear," under your command, to the Seal Islands, &c., you are hereby clothed with full power to enforce the law contained in the provisions of Section 1,956 of the United States' Revised Statutes, and directed to seize all vessels, and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under the provisions of Section 1,955 of the Revised Statutes, and the Proclamation of the President, dated the 4th February, 1870.

Respectfully yours,
C. S. FAIRCHILD,
Acting Secretary.

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear,"
San Francisco, California.

Annex (B).

(See British Case, Appendix, Vol. III, "United States No. 2, 1890," p. 65.)

In the District Court of the United States for the District of Alaska.

August Special Term, 1886.

To the Honourable Lafayette Dawson,
Judge of said District Court:

The libel of information of M. D. Ball, Attorney for the United States for the district of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner "Thornton," her tackle, apparel, boats, cargo and furniture, and against all persons intervening for their interest therein, in a case of forfeiture, alleges and informs as follows:—

That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the district of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of 10 or more tons burden, seized the ship or vessel, commonly called a schooner, the "Thornton," her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States, for the following causes:—

That the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska Territory, and in the waters thereof, in violation of Section 1,956 of the Revised Statutes of the United States.

And the said Attorney saith that all and singular premises are and were true, and within the Admiralty and maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture became and forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore, the said Attorney prays that the usual process and monition of this honourable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture may, for the case aforesaid, and others

appearing, be condemned by the definite sentence and decree of this honourable Court, as forfeited to the use of the said United States in such cases made and provided.

(Signed) M. D. BALL,
United States' District Attorney for the District of Alaska.

Annex (C).

The following Table shows the names of the British sealing-vessels seized or warned by United States' revenue cruizers, 1886-90, and the approximate distance from land when seized. The distances assigned in the cases of the "Carolena," "Thornton," and "Onward," are on the authority of U.S. Naval Commander Abbey (see 50th Cong., 2nd Sess., Senate Ex. Doc. No. 106, pp. 20, 40, 50). The distances assigned in the cases of the "Anna Beck," "W. P. Sayward," "Dolphin," and "Grace," are on the authority of Captain Shepard, "U.S.R.N. (Blue Book), United States, No. 3 (1890)," pp. 80-82. See Appendix, vol. iii. Neah Bay is in the State of Washington, and the "Pathfinder" was seized there on charges made against her in Behring Sea in the previous year. She was released two days later:—

Name of Vessel.	Date of Seizure.	Approximate Distance from Land when seized.	United States' Vessel making Seizure.
Carolena	August 1, 1886 ..	75 miles	Corwin.
Thornton	1, ..	70 „	„
Onward	2, ..	115 „	„
Favourite	3, ..	Warned by "Corwen" in about the same position as "Onward."	
Anna Beck	July 2, 1887 ..	66 miles	Rush.
W. P. Sayward ..	9, ..	59 „	„
Dolphin	12, ..	40 „	„
Grace	17, ..	96 „	„
Alfred Adams ..	August 10, ..	62 „	„
Ada	25, ..	15 „	Bear.
Triumph	4, ..	Warned by "Rush" not to enter Behring Sea.	
Juanita	July 31, 1889 ..	66 miles	Rush.
Pathfinder	29, ..	50 „	„
Triumph	11, ..	Ordered out of Behring Sea by "Rush." (?) As to position when warned.	
		35 miles	„
Black Diamond ..	11, ..	66 miles	„
Lily	August 6, ..	Ordered out of Behring Sea by "Rush."	
Ariel	July 30, ..	„ „ „	
Kate	August 13, ..	„ „ „	„
Minnie	July 15, ..	65 miles	„
Pathfinder	March 27, ..	Seized in Neah Bay	Corwin.

No. 78.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 23.)

My Lord, *Paris, June* 20, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 24-29 of the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 78.

Protocole No. 24.—*Séance du Mercredi,* 17 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Charles Russell reprend son argumentation.
A 1 heure 30 la séance est suspendue.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

La séance est levée à 3 heures 40 et le Tribunal s'ajourne jusqu'au Mardi, 23 Mai, 1893, à 11 heures 30.

Ainsi fait à Paris, le 17 Mai, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 24.—*Meeting of Wednesday, May* 17, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 3·40 P.M. the Tribunal adjourned until Tuesday, the 23rd May, 1893, at 11·30 A.M.

Done at Paris, the 17th May, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 78.

Protocole No. 25.—*Séance du Mardi, Mai* 23, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 23 Mai, 1893, et ont signé :

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 25.—*Meeting of Tuesday, May* 23, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day, at 11·30 A.M.
Done at Paris, the 23rd May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 78.

Protocole No. 26.—*Séance du Mercredi,* 24 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Charles Russell reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Charles Russell* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 24 Mai, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 26.—*Meeting of Wednesday, May* 24, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Charles Russell resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Charles Russell* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day, at 11·30 A.M.
Done at Paris, the 24th May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 78.

Protocole No. 27.—*Séance du Jeudi,* 25 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Charles Russell reprend sa plaidoirie.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Charles Russell* poursuit son argumentation.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 25 Mai, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 27.—Meeting of Thursday, May 25, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Charles Russell resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Charles Russell* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 25th May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 5 in No. 78.

Protocole No. 28.—Séance du Vendredi, 26 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Charles Russell reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Charles Russell* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 30 Mai, à 11 heures 30.
Ainsi fait à Paris, le 26 Mai, 1893, et ont signe:

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 28.—Meeting of Friday, May 26, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Charles Russell resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Charles Russell* continued his argument.
At 4 P.M. the Tribunal adjourned until Tuesday, May 30, at 11·30 A.M.
Done at Paris, the 26th May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN. W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 6 in No. 78.

Protocole No. 29.—*Séance du Mardi,* 30 *Mai,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Charles Russell reprend son argumentation.
A 1 heure 30 la séance est suspendue.
A la reprise, *Sir Charles Russell* continue sa plaidoirie.
La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 30 Mai, 1393, et ont signé :

Le Président	ALPH DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocole No. 29.—*Meeting of Tuesday, May* 30, 1893.

The Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Charles Russell resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Charles Russell* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 30th May, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 79.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 23.)

My Lord, *Paris, June* 22, 1893.

THE argument on the British side in the Behring Sea Arbitration having now concluded, I have deemed it my duty to consider whether some reduction cannot be made in the Staff of this Agency in accordance with what I know to be your Lordship's wish, that expense should, as far as possible, be spared.

With this object I have already dispensed with the services of Mr. J. M. Macoun, whose assistance I consider to be no longer necessary, and I have thought it right to inform Mr. Box, the Junior Counsel, that, as the oral argument of the British Counsel has terminated, he can now be relieved of his duties here.

I have great pleasure in expressing to your Lordship my appreciation of the ability and assiduity displayed by Mr. Box in the course of the preparation of the Counter-Case and written Argument of Great Britain, and of the valuable assistance he has rendered during the oral arguments of Counsel before the Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 80.

Mr. Tupper to the Earl of Rosebery.—(Received June 23.)

My Lord, *Paris, June 22, 1893.*

AT the commencement of yesterday's proceedings, Sir Richard Webster handed in to the Tribunal copies of the correspondence just laid before Parliament containing the report of the Russian Commission respecting the seizures of British vessels off the Commander Islands. He was proceeding to read from this paper when the United States' Counsel objected to its reception if put forward as evidence. Some discussion ensued on this subject, and the President, after consultation with his colleagues, announced that the Tribunal would hear the document, but would reserve to themselves to consider whether it should be received as evidence or not.

Sir Richard thereupon read extracts from M. Chichkine's note to Sir R. Morier of the 29th May (10th June), 1893, showing the readiness of the Russian Government to proceed to the assessment of an indemnity to be paid to the owners of the two British vessels which were seized without proof of having fished in Russian territorial waters.

Mr. Robinson then continued his speech.

He argued at some length to prove that the area over which any Regulations to be made by the Tribunal should extend ought to be confined to Behring Sea, and had just concluded his address when the Tribunal adjourned for the day.

Mr Phelps is to commence his reply on behalf of the United States at to-day's meeting.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 81.

Mr. Tupper to the Earl of Rosebery.—(Received June 24.)

My Lord, *Paris, June 23, 1893.*

AT the meeting of the Tribunal yesterday, Mr. Phelps commenced his reply on behalf of the United States by defining what he maintained had been the position of his Government throughout the controversy, namely, that the actual facts of seal life and the preservation of the species were the main objects of the Arbitration, and that all questions as to jurisdiction over Behring Sea and the title thereto derived by the United States from Russia were merely secondary considerations.

He attributed the firm attitude taken up by Mr. Blaine on the jurisdictional claim to the fact that he had been drawn away from the main subject of the controversy by the adroitness of the arguments put forward by Lord Salisbury.

Mr. Phelps then dwelt at some length on the negotiations for a close season which took place in 1888 between Lord Salisbury and himself, and maintained that a distinct agreement had then been arrived at, which, owing to the objections of Canada, had been subsequently renounced.

He next proceeded to criticise the attitude of Great Britain in the controversy, maintaining that, while at first she had been willing to join in Regulations necessary for the preservation of the seals, her present position was merely that of the champion of pelagic sealing.

He concluded his remarks for the day by a definition of the principles of international law, which he considered should guide the decision of the Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 82.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 24.)

My Lord, *Paris, June* 23, 1893.

I HAVE the honour to call your Lordship's attention to the necessity which, in my opinion, exists for the presence of Her Majesty's Attorney-General here.

I am convinced after most careful observation that it is very desirable for him to be in Court during the reply of Mr. Phelps, and particularly when that gentleman deals with the subject of Regulations. It is improbable that Mr. Phelps will speak beyond Friday next, and he resumes his argument on Tuesday.

Sir Richard Webster, who proceeded to London to-day, will, I feel sure, confirm me in the opinion I have expressed.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 83.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, June* 27, 1893.

I HAVE received your despatch of the 22nd instant, reporting that the services of Mr. J. M. Macoun have been dispensed with, and that you have also informed Mr. Box that he is no longer required to remain in Paris.

Whilst approving your action as above stated, I have to express to you my satisfaction at your report of the valuable assistance rendered by Mr. Box in connection with the Behring Sea Arbitration.

I am, &c.
(Signed) ROSEBERY.

No. 84.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 28.)

My Lord, *Paris, June* 27, 1893.

AT the meeting of the 23rd instant Mr. Phelps continued his argument, and, after dealing with the principles of international law, which, he held, should guide the decision of the Tribunal, proceeded to consider at length the question of property in the seals.

He had not concluded this portion of his speech at the end of the day's proceedings.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 85.

Mr. Tupper to the Earl of Rosebery.—(*Received June* 29.)

My Lord, *Paris, June* 28, 1893.

AT the meeting of the Tribunal yesterday, Mr. Phelps continued his speech, and, in connection with the United States' claim to property in the seals, dealt with the question of the intermingling of the Russian and American herds.

His argument on this subject occupied the greater part of the day, and was concluded shortly before the adjournment.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 86.

Mr. Tupper to the Earl of Rosebevy.—(Received June 30.)

My Lord, *Paris, June 29, 1893.*

MR. PHELPS continued, before the Tribunal yesterday, his argument dealing with the property interest in the sealing industry claimed by the United States as a nation.

He examined at length the instances quoted in the United States' Case of regulations in various countries for the protection of pearl, coral, and oyster fisheries outside territorial limits, and was considering the existing laws regulating seal fisheries in different parts of the world when the Tribunal adjourned.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 87.

Mr. Tupper to the Earl of Rosebery.—(Received July 4.)

My Lord, *Paris, July 3, 1893.*

AT the meeting of the Tribunal held on the 29th June, Mr. Phelps continued his argument to show that the territorial rights of a nation were capable of extension for the purpose of protecting marine property.

He endeavoured to justify the statement in the United States' Argument, that Russia had asserted and exercised such extra-territorial jurisdiction, from the correspondence recently presented to Parliament on the subject of the seizures of British sealing-vessels by that Government in 1892.

Mr. Phelps further instanced the legislation enforced by the Government of Sweden and Norway for the protection of their fisheries.

The Tribunal having decided not to sit on the 30th June, it was arranged that Mr. Phelps should resume his argument this morning.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 88.

Mr. Tupper to the Earl of Rosebery.—(Received July 5.)

My Lord, *Paris, July 4, 1893.*

MR. PHELPS resumed yesterday his argument by dealing with the first four questions under Article VI of the Treaty relating to the jurisdiction of Russia over Behring Sea, and the interpretation of the Treaties of 1824 and 1825.

He examined the language of the Treaty of 1824 between Russia and the United States, and endeavoured to show that Behring Sea was not included in the phrase "Pacific Ocean," as used in the first Article.

He criticized at some length the list of maps annexed to the Counter-Case of Great Britain, and maintained that the weight of the geographical evidence supported his interpretation of the Treaty.

Mr. Phelps had concluded his examination of the Treaty of 1824 when the Tribunal rose for the day, and will proceed this morning to deal with the British Treaty with Russia of 1825.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 89.

Mr. Tupper to the Earl of Rosebery.—(Received July 6.)

My Lord, *Paris, July 5, 1893.*

MR. PHELPS continued, at the meeting of the Tribunal yesterday, his argument on the first four questions of Article VI of the Treaty of Arbitration.

He discussed the language of the Treaty of 1825 between Great Britain and Russia, and the negotiations which led up to it, his object being to show that Behring Sea was not understood by either party to be included in the phrase Pacific Ocean.

Having concluded his examination of the Treaties of 1824 and 1825, Mr. Phelps took leave of this part of his subject by referring the Tribunal to the answers to the first four questions of Article VI, suggested at p. 24 of the United States' Counter-Case.

He then dealt with the assertion of Great Britain, that the subject under discussion involved the question of the freedom of the sea, and had only time to make short progress in this portion of his argument before the adjournment.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 90.

Mr. Tupper to the Earl of Rosebery.—(Received July 7.)

My Lord, *Paris, July 5, 1893.*

I HAVE the honour to transmit to your Lordship copies of the official Protocols Nos. 30 to 39 of the proceedings of the Behring Sea Arbitration Tribunal.

I have, &c
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 90.

Protocole No. 30.—Séance du Mercredi, 31 Mai, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell, au cours de sa plaidoirie, présente au Tribunal le document suivant :—

"Le Gouvernement de la Grande-Bretagne, ayant soumis aux Arbitres certains points de fait compris dans les réclamations de dommages-intérêts présentées dans l'Annexe au Mémoire Britannique, pages 1 à 60 inclusivement, prie le Tribunal de décider comme suit à ce sujet :—

"1. Que les diverses visites et saisies de navires ou de marchandises et les différentes arrestations de capitaines et d'équipages, mentionnés respectivement dans ladite Annexe, ont été faites par autorité du Gouvernement des États-Unis ;

"2. Qu'elles ont été effectuées dans des eaux non territoriales ;

"3. Que les diverses visites, saisies, condamnations et confiscation de navires ou de marchandises, les différentes arrestations et amendes, et les divers emprisonnements ont été motivés par de prétendues violations des lois nationales des États-Unis, lesquelles prétendues violations avaient toutes été commises en haute mer, en dehors des eaux territoriales des États-Unis ;

"4. Que les différents ordres mentionnés dans ladite Annexe, enjoignant à certains navires d'avoir à s'abstenir de poursuivre leurs voyages, ont été donnés en haute mer,

en dehors des eaux territoriales, en vertu de l'autorité du Gouvernement des États-Unis et en exécution des lois nationales des États-Unis; enfin:

"5. Que lesdites visites, saisies, condamnations, confiscations, amendes, n'ont été opérées ou imposées, que lesdits emprisonnements et ordres n'ont été infligés et donnés en vertu d'aucune prétention ou assertion de droit ou de juridiction, autre que celles qui sont soumises à la décision des Arbitres par les questions posées dans l'Article VI du Traité d'Arbitrage."

Sir Charles Russell déclare en outre que la Grande-Bretagne ne soumettra au Tribunal aucune conclusion tendant à des dommages-intérêts, en vertu et par application de l'Article V de la Convention ou du *modus vivendi* du 18 Avril, 1892.

L'Honorable E. J. Phelps déclare que les États-Unis ne soumettront, de leur côté, au Tribunal aucune conclusion tendant à des dommages-intérêts en vertu et par application de l'Article V de la Convention ou du *modus vivendi* du 18 Avril, 1892.

Sir Charles Russell achève ensuite son argumentation.

Sir Richard Webster commence alors sa plaidoirie pour la Grande-Bretagne.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* continue sa plaidoirie.

La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 31 Mai, 1893, et ont signé:

Le Président	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 30.—*Meeting of Wednesday, May* 31, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell, in continuation of his argument, presented to the Tribunal the following paper:—

"The British Government having submitted to the Arbitrators certain questions of fact as involved in the claims for damage set forth in the Schedule to the British Case, pages 1 to 60 inclusive, ask for the following findings thereon, namely:—

"1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the said Schedule, were made by the authority of the United States' Government.

"2. That they were made in non-territorial waters.

"3. That the several searches, seizures, condemnations and confiscations, whether of ships or goods, and the several arrests, fines and imprisonments, were for alleged breaches of municipal laws of the United States, which alleged breaches were wholly committed on the high seas outside the territorial waters of the United States.

"4. That the several orders, mentioned in the said Schedule, whereby ships were prevented from pursuing their voyages, were given on the high seas outside territorial waters, under the authority of the United States' Government and in execution of the municipal laws of the United States, and

"5. That the said several searches, seizures, condemnations, confiscations, fines, imprisonments, and orders were not made, imposed or given under any claim or assertion of right or jurisdiction except such as is submitted to the decision of the Arbitrators by the questions in Article VI of the Treaty of Arbitration."

Sir Charles Russell further announced that Great Britain would not ask the Tribunal for any finding for damages upon and under Article V of the Convention or *modus vivendi* of the 18th April, 1892.

The Honourable Edward J. Phelps announced that the United States would not, on its behalf, ask the Tribunal for any finding for damages upon and under Article V of the Convention or *modus vivendi* of the 18th April, 1892.

Sir Charles Russell then concluded his argument.

Sir Richard Webster then commenced his argument on behalf of Great Britain.

At 1·30 the Tribunal took a recess.

On reassembling *Sir Richard Webster* continued his argument.
At 4 P.M. the Tribunal adjourned till the next day, at 11·30 A.M.
Done at Paris, the 31st May, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 90.

Protocole No. 31.—*Séance du Jeudi,* 1^er^ *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Richard Webster continue sa plaidoirie.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Richard Webster* poursuit son argumentation.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 1^er^ Juin, 1893, et ont signé:

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 31.—*Meeting of Thursday, June* 1, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Richard Webster resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Richard Webster* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 1st June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 90.

Protocole No. 32.—*Séance du Vendredi,* 2 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Richard Webster reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Richard Webster* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 6 Juin, à 11 heures 30.
Ainsi fait à Paris, le 2 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 32.—*Meeting of Friday, June* 2, 1893.

THE Tribunal assembled at 11·30, all the Arbitrators being present.
Sir Richard Webster resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Richard Webster* continued his argument.
At 4 P.M. the Tribunal adjourned until Tuesday, the 6th June, at 11·30 A.M.
Done at Paris, the 2nd June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 90.

Protocole No. 33.—*Séance du Mardi,* 6 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Son Excellence M. Gram, Arbitre désigné par la Suède et la Norvège, donne lecture de la déclaration suivante :—

"Le premier volume de l'Appendice au Mémoire des États-Unis donne le texte de la loi et des règlements concernant la protection des baleines sur la côte de Finmark.

"J'avais l'intention d'expliquer ultérieurement à mes collègues ces lois et règlements en indiquant les circonstances naturelles qui ont obligé la Norvège et la Suède à adopter une législation spéciale pour les eaux territoriales, et d'exprimer en même temps mon opinion sur la question de savoir si cette législation et les questions auxquelles elle se rapporte peuvent être considérées comme ayant quelque portée à l'égard des questions actuellement débattues.

"Comme, toutefois, on a fait allusion, à plusieurs reprises, pendant les dernières séances, à la législation Norvégienne sur la matière, j'estime qu'il y aurait présentement intérêt à donner un bref exposé des traits les plus saillants de cette législation.

"Le caractère particulier de la Loi Norvégienne citée par les Conseils des États-Unis consiste dans la détermination d'une saison fermée pour la pêche de la baleine. Quant à ses prescriptions au sujet des eaux intérieures et territoriales, elles ne sont, en somme, que l'application à un cas spécial des principes généraux établis par la législation Norvégienne en ce qui concerne les golfes et les eaux baignant les côtes. Un coup d'œil sur la carte suffira pour montrer le grand nombre de ces golfes—ou "fjörds" et leur importance pour les habitants de la Norvège. Certains de ces fjörds ont une étendue considérable, pénètrent très avant à l'intérieur du pays et ont une très large embouchure. Ils ont été, toutefois, depuis un temps immémorial, considérés comme des eaux intérieures, et ce principe a toujours été maintenu, même à l'égard des étrangers.

"Il y a plus de vingt ans, un Gouvernement étranger se plaignit de ce qu'on eût empêché un navire de sa nationalité de pêcher dans un des plus grands fjörds du nord de la Norvège. Les opérations de pêche qui ont lieu dans ces parages pendant les quatre premiers mois de l'année sont d'une très grande importance pour le pays: une trentaine de mille personnes s'y réunissent chaque année, du Nord et du Sud, pour gagner leur vie. Le Gouvernement soumet à son inspection les opérations de pêche dans les eaux du fjörd, abrité par une rangée d'îles contre la violence de la mer. L'apparition dans ces eaux d'un navire étranger émettant la prétention de prendre part à cette pêche était un fait sans précédent, et, dans la correspondance diplomatique échangée à ce sujet, le Gouvernement Norvégien insista énergiquement sur le droit exclusif qu'avaient ses sujets, par suite d'un usage immémorial, de pratiquer cette industrie.

"La Suède et la Norvège n'ont, d'ailleurs, jamais reconnu la distance de 3 milles comme formant la délimitation de leurs eaux territoriales. Jamais ces deux pays n'ont conclu aucune Convention ni adhéré à aucun Traité consacrant cette règle.

Leurs lois nationales ont généralement fixé la limite à 1 mille géographique ou à un quinzième de degré de latitude, soit 4 milles marins. Ils n'ont jamais admis aucune limite inférieure. En fait, relativement à la question des droits de pêche, si importants pour l'un et l'autre des deux Royaumes-Unis, lesdites limites ont semblé, dans beaucoup de cas, encore trop restreintes. Quant à cette question et à celles qui s'y rattachent, je désire me reporter aux communications faites par les membres Norvégiens et Suédois, au cours des séances de l'Institut de Droit International, en 1891 et 1892. Je tiens aussi, en ce qui touche le sujet que je viens de traiter sommairement, à me référer aux comptes rendus des travaux de la Conférence de La Haye en 1882 ('Nouveau Recueil Général de Martens, IIe série, vol. ix'), où se trouvent exposées les raisons pour lesquelles la Suède et la Norvège n'ont pasadhéré au Traité de La Haye."

Le Président prie les Conseils des deux parties d'avoir présentes à l'esprit les observations de son Excellence M. Gram, au cas où ils auraient à citer l'exemple des eaux de la Norvège; mais il croit devoir rappeler que la question de la définition des eaux territoriales n'est pas soumise aux Arbitres et qu'il n'est pas dans les intentions du Tribunal d'exprimer une opinion en ce qui concerne cette définition.

Sir Richard Webster reprend alors son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* continue sa plaidoirie.

A 4 heures, la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 6 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 33.—*Meeting of Tuesday, June* 6, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

His Excellency M. Gram, the Arbitrator designated by Sweden and Norway, read the following statement:—

"The Appendix, vol. I, to the United States' Case, gives the text of the Laws and Regulations relating to the protection of whales on the coast of Finnmarken. It was my intention later on to explain to my colleagues these Laws and Regulations, in supplying some information about the natural conditions of Norway and Sweden which have necessitated the establishment of special rules concerning the territorial waters, and to state at the same time my opinion as to whether those rules and their subject-matter may be considered as having any bearing on the present case. As, however, in the latest sittings reference has repeatedly been made to the Norwegian legislation concerning this matter, I think it might be of some use at the present juncture to give a very brief relation of the leading features of those rules.

"The peculiarity of the Norwegian Law quoted by the Counsel for the United States, consists in its providing for a close season for the whaling. As to its stipulations about inner and territorial waters, such stipulations are simply applications to a special case of the general principles laid down in the Norwegian legislation concerning the gulfs and the waters washing the coasts. A glance on the map will be sufficient to show the great number of gulfs or fiords, and their importance for the inhabitants of Norway. Some of these fiords have a considerable development, stretching themselves far into the country and being at their mouth very wide. Nevertheless they have been from time immemorial considered as inner waters, and this principle has always been maintained, even as against foreign subjects.

"More than twenty years ago, a foreign Government once complained that a vessel of their nationality had been prevented from fishing in one of the largest fiords of Norway, in the northern part of the country. The fishing carried on in that neighbourhood during the first four months of every year is of extraordinary importance to the country, some 30,000 people gathering there from south and north, in order to earn their living. A Government inspection controls the fishing going on in the waters of the fiord, sheltered by a range of islands against the violence of the sea. The appearance in these waters of a foreign vessel pretending to take its share of the fishing, was an unheard-of occurrence, and in the ensuing diplomatic correspondence the exclusive

right of Norwegian subjects to this industry was energetically insisted upon as founded in immemorial practice.

"Besides, Norway and Sweden have never recognized the 3-mile limit as the confines of their territorial waters. They have neither concluded nor acceded to any Treaty consecrating that rule. By their municipal laws the limit has generally been fixed at 1 geographical mile, or one-fifteenth part of a degree of latitude, or 4 marine miles; no narrower limit having ever been adopted. In fact, in regard to this question of the fishing rights, so important to both of the United Kingdoms, the said limits have in many instances been found to be even too narrow. As to this question and others therewith connected, I beg to refer to the communications presented by the Norwegian and Swedish members in the sittings of the 'Institut de Droit International' in 1891 and 1892. I wish also to refer, concerning the subject which I have now very briefly treated, to the proceedings of the Conference of the Hague in 1882 ('Martens' Nouveau Recueil Général, II^e série, vol. ix'), containing the reasons why Sweden and Norway have not adhered to the Treaty of the Hague."

The President requested that Counsel on both sides would bear in mind the observations of *his Excellency M. Gram*, in case they found it necessary to cite the example of the waters of Norway, but thought it his duty to remind them that the question of the definition of territorial waters was not submitted to the Arbitrators and that it was not the intention of the Tribunal to express any opinion with respect to that definition.

Sir Richard Webster then resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day, at 11·30 A.M.

Done at Paris, the 6th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYGHAME, } *Co-Secretaries.*

Inclosure 5 in No. 90.

Protocole No. 34.—*Séance du Mercredi, 7 Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster reprend et termine son argumentation.

M. Christopher Robinson commence ensuite son plaidoyer.

La séance est suspendue à 1 heure 30.

A la reprise, *M. Robinson* continue son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures.

Ainsi fait à Paris, le 7 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 34.—*Meeting of Wednesday, June* 7, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Richard Webster resumed and concluded his argument.

Mr. Christopher Robinson then began his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Mr. Robinson* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day, at 11 o'clock.
Done at Paris, the 7th June, 1893, and signed.

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 6 in No. 90.

Protocole No. 35.—*Séance du Jeudi,* 8 *Juin,* 1893.

LE Tribunal s'est réuni en Chambre du Conseil, à 11 heures, tous les Arbitres étant présents.

La séance publique a commencé à midi.

Mr. Christopher Robinson continue et achève son argumentation.

L'Agent des États-Unis donne alors lecture de la déclaration suivante:—

"Le Gouvernement des États-Unis,—pour le cas où la solution donnée par le Haut Tribunal à certaines questions indiquées dans l'Article VII du Traité comme étant les 'questions ci-dessus relatives à la juridiction exclusive des États-Unis' serait, ainsi qu'il est énoncé dans ledit Article VII, 'telles que le concours de la Grande-Bretagne soit nécessaire à l'institution de Règlements en vue de la protection efficace et de la conservation des phoques à fourrure habitant ou fréquentant habituellement la Mer de Behring,'—expose que les Règlements suivants sont nécessaires et devraient s'appliquer aux eaux dont il sera fait mention à cet effet ci-après:

"*Premièrement.*—Aucun citoyen ou sujet des États-Unis ou de la Grande-Bretagne ne pourra, de quelque façon que ce soit, tuer, capturer, ou poursuivre sur aucun point de la mer, dans les bornes et limites ci-après marquées pour la mise en vigueur du présent Règlement, aucun des animaux communément appelés 'phoques à fourrure.'

"*Deuxièmement.*—Le Règlement qui précède s'appliquera et s'étendra à toutes les eaux de l'Océan Pacifique Septentrional ou de la Mer de Behring, au nord du 35e parallèle de latitude nord, et à l'est du 180e méridien de longitude ouest de Greenwich, en dehors des limites de la juridiction des nations ci-dessus mentionnées. Toutefois, il ne s'appliquera pas à la poursuite et à la capture desdits phoques par les Indiens résidant sur les côtes des territoires de la Grande-Bretagne ou des États-Unis, pour leur usage personnel, au moyen de harpons, dans des pirogues ou embarcations non pontées, non embarquées sur d'autres navires ou détachées de ceux-ci, manœuvrées uniquement à la pagaie, et qui ne soient pas montées par plus de deux hommes chacune, de la façon anciennement pratiquée par ces Indiens.

"*Troisièmement.*—Tout vaisseau, navire, bateau ou autre embarcation (en dehors des pirogues ou embarcations mentionnées et décrites dans le paragraphe précédent), appartenant aux citoyens ou sujets de l'une ou l'autre des nations susdites, qui serait trouvé détruisant, poursuivant ou capturant lesdits phoques, ou engagé dans un voyage ayant ce but, dans les eaux ci-dessus délimitées et décrites, pourra, avec ses agrès, apparaux, matériel, provisions et toutes les peaux de phoques qui se trouveraient à bord, être capturé et saisis comme prise par tout navire armé pour le service public de l'une ou l'autre des susdites nations; et dans le cas d'une telle capture, il pourra être amené dans tout port de la nation à laquelle appartiendrait le navire capteur et être condamné en suite d'une procédure devant tout Tribunal ayant juridiction compétente, laquelle procédure sera conduite, autant que faire se pourra, conformément aux usages et à la pratique des Cours d'Amirauté siégeant comme Tribunaux de Prises."

L'Agent des États-Unis donne également lecture de la proposition suivante:—

"Le Gouvernement des États-Unis propose de substituer aux conclusions de fait présentées par le Gouvernement de la Grande-Bretagne les conclusions suivantes. Dire:

"1. Que les diverses visites et saisies de navires ou de marchandises et les différentes arrestations de capitaines et d'équipages, mentionnées respectivement dans ladite Annexe ont été faites par autorité du Gouvernement des États-Unis. Sur la question de savoir quels navires et combien parmi les navires mentionnés dans cette Annexe étaient en

tout ou en partie la propriété de sujets Britanniques, et quels navires et combien parmi ces navires étaient en tout ou en partie la propriété de citoyens Américans, le Tribunal ne se prononce pas. Il ne détermine pas non plus la valeur de ces navires ou de leurs cargaisons, ensemble ou séparément.

"2. Que les susdites saisies ont été faites en mer à plus de 10 milles de toute côte.

"3. Que lesdites visites et saisies de navires ont été faites par des navires armés pour le service public des États-Unis, dont les Commandants avait reçu, toutes les fois qu'elles ont eu lieu, du Pouvoir Exécutif du Gouvernement des États-Unis, des instructions dont un exemplaire est reproduit en copie ci-après (Annexe A), les autres exemplaires desdites instructions étant conformes à ce modèle sur tous les points essentiels; que dans toutes les occasions où des poursuites entamées devant les Cours de District des États-Unis ont été suivies de condamnations, ces poursuites ont débuté par le dépôt d'un acte d'accusation, dont une copie est annexée ci-dessous (Annexe B), les actes d'accusation déposés dans les autres procédures étant, en tous points essentiels, semblable à ce modèle; que les actes ou délits allégués comme motifs de ces visites et saisies ont été accomplis ou commis en mer à plus de 10 milles de toute côte; et que, dans tous les cas où une condamnation a été prononcée, excepté dans les cas où le navire a été relâché après condamnation, la prise a été approuvée par le Gouvernement des États-Unis; que les amendes et emprisonnements susdits ont été prononcés à raisons d'infractions aux lois nationales des États-Unis, infractions toutes commises en mer à plus de 10 milles de toute côte.

"4. Que les différents ordres, mentionnés dans ladite Annexe, enjoignant à certains navires de quitter la Mer de Behring, ont été donnés par des navires armés pour le service public des États-Unis, dont les Commandants avaient, toutes les fois qu'ils donnaient ces ordres, des instructions conformes à celles mentionnées ci-dessus sous le No. 3, et que les navires qui ont reçu ces sommations étaient occupés à la chasse des phoques ou faisaient route pour entreprendre cette chasse.

"5. Que lesdites visites, saisies, condamnations, confiscations, amendes, n'ont été opérées ou imposées; que lesdits emprisonnements et ordres n'ont été infligés et donnés en vertu d'aucune prétention ou affirmation de droit ou de juridiction, autres que celles qui sont soumises à la décision des Arbitres par les questions posées dans l'Article VI du Traité d'Arbitrage.

"6. Que les Cours de District des États-Unis devant lesquelles des poursuites ont été entamées ou suivies pour obtenir des condamnations contre les navires saisis dont il est fait mention dans l'Annexe au Mémoire de la Grande-Bretagne, pages 1 à 60 inclusivement, avaient tous droits de juridiction et pouvoirs appartenant au Cours d'Amirauté, y compris la juridiction de Tribunaux de Prises."

Annexe (A).

(Voir: Contre-Mémoire Anglais, Appendice, vol. I, p. 72.)

(Traduction.) *Département du Trésor, Cabinet du Secrétaire,*
Washington, le 21 Avril, 1886.

Monsieur,

COMME suite à une lettre du Département, en date de ce jour, vous enjoignant de vous diriger avec le vapeur du service des Douanes "Bear," placé sous votre commandement, vers les îles aux phoques, vous êtes par les présentes investi de tous les pouvoirs nécessaires pour assurer l'exécution de la Loi dont les termes sont contenus dans la Section 1956 des Statuts Revisés des États-Unis, et ordre vous est donné de saisir tout navire, et d'arrêter et livrer aux autorités compétentes tout individu ou toutes personnes que vous trouveriez agissant en violation de la Loi susmentionnée, après qu'un avertissement suffisant leur aura été donné.

Vous saisirez également tous spiritueux et armes à feu que l'on chercherait à introduire dans le pays sans une permission en règle, en exécution de la Section 1955 des Statuts Revisés et de la Proclamation du Président en date du 4 Février, 1870.

Respectueusement à vous,

(Signé) C. S. FAIRCHILD.
Secrétaire par intérim.

Au Capitaine M. A. Heldy,
Commandant le vapeur du service des Douanes "Bear," à San-Francisco (Californie).

Annexe (B),

(Voir : Mémoire de la Grande-Bretagne, Appendice, vol. III, États-Unis, No. 2, 1890, p. 65.)

Devant la Cour de District des États-Unis pour le District d'Alaska.

Session (Special Term) d'Août 1886.

A l'Honorable Lafayette Dawson, Juge de ladite Cour de District.

Le réquisitoire à fin d'information par lequel M. D. Ball, Attorney des États-Unis pour le district d'Alaska, poursuivant au nom des États-Unis et présent ici devant la Cour, en sa personne, comme Représentant des États-Unis et en leur nom, contre la goélette "Thornton," ses agrès, apparaux, embarcations, cargaisons et matériel et contre toutes personnes intervenant comme ayant des intérêts engagés dans ce navire, en poursuite à fin de confiscation, présente les allégations et déclarations suivantes :

Que Charles A. Abbey, officier du service des Douanes Maritimes des États-Unis, chargé d'une mission spéciale dans les eaux du district d'Alaska, antérieurement au présent jour, à savoir le 1er Août, 1886, dans les limites du territoire d'Alaska et dans ses eaux, et dans les limites du district civil et judiciaire d'Alaska, à savoir dans l'étendue des eaux de cette partie de la Mer de Behring qui appartient au dit district, dans des eaux navigables pour des navires venant de la haute mer et jaugeant 10 tonneaux ou au-dessus, a saisi le vaisseau ou navire communément dénommé goélette, le "Thornton," ses agrès, apparaux, embarcations, cargaison et matériel, lesquels étaient la propriété d'une ou de plusieurs personnes inconnues dudit Attorney, et les a confisqués au profit des États-Unis pour les causes ci-après :

Que ledit navire ou goélette a été trouvé se livrant à la destruction des phoques à fourrure, dans les limites du territoire d'Alaska et de ses eaux, en violation des dispositions de la Section 1956 des Statuts Revisés des États-Unis.

Et ledit Attorney déclare que toutes les propositions ci-dessus énoncées et chacune d'elles sont et étaient vraies, et qu'elles tombent sous la juridiction maritime et d'Amirauté de cette Cour, et que, pour cette raison, et en exécution des Statuts des États-Unis établis et édictés pour de tels cas, le navire ou la goélette mentionnée et décrite ci-dessus, jaugeant plus de 20 tonneaux, ses agrès, apparaux, embarcations, cargaison et matériel ont été et sont confisqués au profit des États-Unis, et que ladite goélette se trouve maintenant dans le district susdit.

Ce pourquoi ledit Attorney demande que l'honorable Cour de Justice procède et avise comme d'usage en cette affaire, et que toutes personnes ayant un intérêt dans ladite goélette ou navire soient citées par voie d'assignation générale ou spéciale, afin de répondre aux propositions susénoncées, et que, à la suite de la procédure à ce nécessaire, ledit navire ou goélette, ses agrès, apparaux, embarcations, cargaison et matériel, soient condamnés pour ladite cause ou toute autre qu'il apparaîtrait juste, par arrêt formel et décret de cette honorable Cour, et confisqués au profit desdits États-Unis, selon la forme des Statuts desdits États-Unis, établis et édictés pour de tels cas.

(Signé) M. D. BALL,
Attorney des États-Unis pour le District d'Alaska.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* commence sa plaidoirie, pour le Gouvernement de la Grande-Bretagne, sur la question des Règlements prévus par l'Article VII du Traité d'Arbitrage.

La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain, à 11 heures 30.

Ainsi fait à Paris, le 8 Juin, 1893, ayant signé :

Le Président .. .. .. ALPH. DE COURCEL.
L'Agent des États-Unis .. .. JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. CHARLES H. TUPPER.
Le Secrétaire .. .. .. A. IMBERT.

[English version.]

Protocole No. 35.—*Meeting of Thursday, June* 8, 1893.

THE Tribunal assembled in the Council Chamber at 11 o'clock, all the Arbitrators being present.

The public sitting commenced at noon.

Mr. Christopher Robinson continued and finished his address.

The United States' Agent then read the following statement :—

"The Government of the United States, in the event that the determination of the High Tribunal of certain questions described in the VIIth Article of the Treaty as

'the foregoing questions as to the exclusive jurisdiction of the United States' should, as mentioned in said VIIth Article, 'leave the subject in such a condition that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur seal in, or habitually resorting to, Behring Sea,' submits that the following regulations are necessary, and that the same should extend over the waters hereinafter in that behalf mentioned:

"*Firstly.*—No citizen or subject of the United States or Great Britain shall in any manner kill, capture, or pursue anywhere upon the seas, within the limits and boundaries next hereinafter prescribed for the operation of this Regulation, any of the animals commonly called fur seals.

"*Secondly.*—The foregoing regulation shall apply to and extend over all those waters outside the jurisdictional limits of the above-mentioned nations of the North Pacific Ocean or Behring Sea, which are north of the 35th parallel of north latitude, and east of the 180th meridian of longitude west from Greenwich. Provided, however, that it shall not apply to such pursuit and capture of said seals as may be carried on by Indians dwelling on the coasts of the territory, either of Great Britain or the United States, for their own personal use, with spears, in open canoes or boats not transported by, or used in connection with other vessels, and propelled wholly by paddles, and manned by not more than two men each, in the way anciently practised by such Indians.

Thirdly.—Any ship, vessel, boat, or other craft (other than the canoes or boats mentioned and described in the last foregoing paragraph) belonging to the citizens or subjects of either of the nations aforesaid, which may be found actually engaged in the killing, pursuit, or capture of said seals, or prosecuting a voyage for that purpose, within the waters above bounded and described, may, with her tackle, apparel, furniture, provisions, and any seal-skins on board, be captured and made prize of by any public armed vessel of either of the nations aforesaid; and, in case of any such capture may be taken into any port of the nation to which the capturing vessel belongs, and be condemned by proceedings in any Court of competent jurisdiction, which proceedings shall be conducted, so far as may be, in accordance with the course and practice of Courts of Admiralty when sitting as Prize Courts."

The Agent of the United States also read the following statement:

"Substitute proposed by the Government of the United States for findings of facts submitted by the Government of Great Britain:—

"1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the said Schedule, were made by the authority of the United States' Government. Which, and how many of the vessels mentioned in said Schedule were in whole, or in part, the actual property of British subjects, and which and how many where in whole, or in part, the actual property of American subjects, is a fact not passed upon by this Tribunal. Nor is the value of said vessels or contents, or either of them, determined.

"2. That the seizures aforesaid were made upon the sea more than 10 miles from any shore.

"3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the Commanders of which had, the several times when they were made, from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto, marked 'A,' and that the others were, in all substantial respects, the same; that in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked 'B,' and that the libels in the other proceedings were, in all substantial respects, the same; that the alleged acts or offences for which said several searches and seizures were made, were, in each case, done or committed upon the seas more than 10 miles from any shore; and that in each case in which sentence of condemnation was had, except in those cases when the vessel was released after condemnation, the capture was adopted by the Government of the United States. That the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed upon the seas more than 10 miles from any shore.

"4. That the several orders mentioned in said Schedule warning vessels to leave Behring Sea were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were given, like instructions as mentioned in finding 3, above proposed, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose.

"5. That the said several searches, seizures, condemnations, confiscations, fines, imprisonments, and orders were not made, imposed, or given under any claim or assertion of right or jurisdiction, except such as is submitted to the decision of the Arbitrators by the questions in Article VI of the Treaty of Arbitration.

"6. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60, inclusive, had all the jurisdiction and power of Courts of Admiralty, including the prize jurisdiction."

Annexe (A).

(See British Counter-Case, Appendix, vol. I, p. 72.)

Treasury Department, Office of the Secretary,
Washington, April 21, 1886.

Sir,

Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Bear," under your command, to the Seal Islands, &c., you are hereby clothed with full power to enforce the Law contained in the provisions of Section 1956 of the United States' Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the Law referred to, after due notice shall have been given.

You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President, dated the 4th February, 1870.

Respectfully yours,

(Signed) C. S. FAIRCHILD.
Acting Secretary.

Captain M. A. Healy,
Commanding Revenue-steamer "Bear," San-Francisco, California.

Annexe (B).

(See British Case, Appendix, vol. III, U.S. No. 2, 1890, p. 65.)

In the District Court of the United States for the District of Alaska.

August Special Term, 1886.

To the Honorable Lafayette Dawson, Judge of said District Court.

The libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:

That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the District of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial District of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said District, on waters navigable from the sea by vessel of 10 or more tons burden, seized the ship or vessel commonly called a schooner, the "Thornton," her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States, for the following causes:

That the said vessel or schooner was found engaged in killing fur seal within the limits of Alaska territory, and in the waters thereof, in violation of Section 1956 of the Revised Statutes of the United States.

And the said Attorney saith that all and singular the premises are and were true, and within the Admiralty and maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore the said Attorney prays the usual process and monition of this honourable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture may, for the cause aforesaid, and others appearing, be condemned by the definite sentence and decree

of this honourable Court, as forfeited to the use of the said United States, according to the form of the Statute of the said United States in such cases made and provided.

(Signed) M. D. BALL,
United States' District Attorney for the District of Alaska.

At 1·30 the Tribunal took a recess.

On reassembling *Sir Charles Russell* began his argument on behalf of the Government of Great Britain on the question of Regulations as contemplated by Article VII of the Treaty of Arbitration.

At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.

Done at Paris, the 8th June, 1893, and signed:

The President	ALPH DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 7 in No. 90.

Protocole No. 36.—*Séance du Vendredi,* 9 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Charles Russell reprend son argumentation de la veille.

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Charles Russell* continue sa plaidoirie.

La séance est levée à 4 heures et le Tribunal s'ajourne jusqu'au Mardi, 13 Juin, à 11 heures 30.

Ainsi fait à Paris, le 9 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 36.—*Meeting of Friday, June* 9, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Charles Russell resumed his argument of the previous day.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Charles Russell* continued his argument.

At 4 P.M. the Tribunal adjourned until Tuesday, the 13th June, at 11·30 A.M.

Done at Paris, the 9th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 8 in No. 90.

Protocole No. 37.—*Séance du Mardi,* 13 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Charles Russell reprend et achève son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Richard Webster* commence sa plaidoirie pour la Grande-Bretagne sur la question des Règlements.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 13 Juin, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 37.—*Meeting of Tuesday, June* 13, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Charles Russell resumed and concluded his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Richard Webster* began his argument on behalf of Great Britain on the question of Regulations.
At 4 P.M. the Tribunal adjourned to the next day, at 11·30 A.M.
Done at Paris, the 13th June, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 9 in No. 90.

Protocole No. 38.—*Séance du Mercredi,* 14 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Richard Webster reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Richard Webster* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 14 Juin, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 38.—*Meeting of Wednesday, June* 14, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Richard Webster resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *Sir Richard Webster* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 13th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 10 in No. 90.

Protocole No. 39.—*Séance du Jeudi,* 15 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Richard Webster reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *Sir Richard Webster* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures.
Ainsi fait à Paris, le 15 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 39.—*Meeting of Thursday, June* 15, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
Sir Richard Webster resumed his argument.
At 1·30 the Tribunal took a recess.
On reasembling, *Sir Richard Webster* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11 A.M.
Done at Paris, the 15th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 91.

Mr. Tupper to the Earl of Rosebery.—(*Received July* 8.)

My Lord, *Paris, July* 7, 1893.

MR. PHELPS, in continuing his argument on the 5th instant, dealt with the question of the extent of the freedom of the sea. He then passed on to consider the facts to which the abstract rules propounded by him were to be applied. After a reference to the value of the sealing industry he proceeded to attack pelagic sealing, and for that purpose entered into an examination of the evidence submitted by both sides.

He first referred to the question of the number of female seals killed at sea, and did not finish his observations on this subject until yesterday.

He next discussed the evidence respecting the dead pups found on the islands, and concluded the day's proceedings with a reference to the criticisms made on the management of the sealing industry on the islands by British side with regard to the United States' authorities.

Mr. Phelps announced that he hoped to be able to finish his speech to-day.

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 92.

Mr. Tupper to the Earl of Rosebery.—(*Received July* 12.)

My Lord, *Paris, July* 11, 1893.

IN his speech on the 7th instant Mr. Phelps concluded his argument against pelagic sealing, and after the luncheon interval proceeded to deal with the question of Regulations.

His remarks on this subject were directed to prove the inadequacy of the measures proposed on the British side to preserve the seals from extermination.

He was unable to close his address before the hour of adjournment, and it was arranged that the Tribunal should sit at 2 o'clock on the following day to enable him to conclude.

On the 8th instant Mr. Phelps finished his speech, and after an expression of thanks on both sides to the President and other Arbitrators, the public sittings of the Tribunal were brought to a close.

I have, &c.

(In the absence of Mr. Tupper),

(Signed) R. P. MAXWELL.

No. 93.

Mr. Tupper to the Earl of Rosebery.—(*Received July* 19.)

My Lord, *Paris, July* 18, 1893.

I HAVE the honour to transmit to your Lordship copies of the official Protocols of the proceedings before the Tribunal of Arbitration, Nos. 40, 42, 43, 44, 45, 46, and 47.

Owing to the necessity of making some alterations in the text, the 41st Protocol has not yet been issued.

I have, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 93.

Protocole No. 40.—*Séance du Vendredi,* 16 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures, tous les Arbitres étant présents.

Sir Richard Webster reprend son argumentation.

La séance est suspendue à 1 heure.

A la reprise, *Sir Richard Webster* continue sa plaidoirie.

En levant la séance, à 3 heures 30, *le Président* annonce que, pendant l'absence temporaire de Mr. Cunynghame, le Tribunal autorise Mr. Henry Hannen, avocat, à remplir ses fonctions.

Puis le Tribunal s'ajourne jusqu'au Mardi, 20 Juin, à 11 heures 30.

Ainsi fait à Paris, le 16 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 40.—*Meeting of Friday, June* 16, 1893.

THE Tribunal assembled at 11 o'clock, all the Arbitrators being present.

Sir Richard Webster resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Sir Richard Webster* continued his argument.

The President, in adjourning, announced that during the temporary absence of Mr. Cunynghame, the Tribunal authorized Mr. Henry Hannen, Barrister-at-Law, to perform his duties.

At 3·30 P.M. the Tribunal adjourned until Tuesday, 20th June, at 11·30 A.M.

Done at Paris, the 16th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 93.

Protocole No. 42.—*Séance du Mercredi,* 21 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Sir Richard Webster présente et propose de lire au Tribunal certains documents qui viennent d'être distribués au Parlement Britannique et qui contiennent une correspondance entre la Grande-Bretagne et la Russie au sujet des saisies de navires Anglais par les croiseurs Russes dans la Mer de Behring.

Mr. Carter s'oppose à ce que ces documents soient considérés comme ayant été déposés devant le Tribunal.

Après avoir consulté ses collègues, *le Président* déclare que le Tribunal autorise la lecture de ses pièces, mais en se réservant de décider ultérieurement si elles seront admises ou non comme moyen de preuve.

Sir Richard Webster lit alors un extrait des documents en question.

Mr. Christopher Robinson reprend ensuite son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *Mr. Robinson* continue et achève sa plaidoirie.

A 3 heures 50 la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 21 Juin, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 42.—Meeting of Wednesday, June 21, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Richard Webster produced, and proposed to read to the Tribunal certain documents recently presented to the Parliament of Great Britain containing correspondence between Great Britain and Russia on the subject of the seizure of British vessels by Russian cruizers in the Behring Sea.

Mr. Carter objected to these documents being regarded as before the Tribunal.

The President, after consultation with his colleagues, announced that the Tribunal would permit the documents to be read, but reserved to itself for further consideration the question of their admissibility as evidence.

Sir Richard Webster then read an extract from the documents in question.

Mr. Christopher Robinson then resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *Mr. Robinson* continued and concluded his argument.

At 3·50 P.M., the Tribunal adjourned to the next day at 11·30 A.M.

Done at Paris, the 21st June, 1893, and signed :

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate :

(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

Inclosure 3 in No. 93.

Protocole No. 43.—Séance du Jeudi, 22 Juin, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps commence sa plaidoirie pour les États-Unis.

La séance est suspendue à 1 heure 30.

A la reprise, *l'Honorable Edward J. Phelps* continue son argumentation.

La séance est levée à 4 heures, et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 22 Juin, 1893, et ont signé :

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHAS. H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 43.—Meeting of Thursday, June 22, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps began his argument on behalf of the United States.

At 1·30 the Tribunal took a recess.

On reassembling, the *Honourable Edward J. Phelps* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 22nd June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

Inclosure 4 in No. 93.

Protocole No. 44.—*Séance du Vendredi,* 23 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
L'Honorable Edward J. Phelps reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *l'Honorable Edward J. Phelps* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne jusqu'au Mardi, 27 Juin, à 11 heures 30.
Ainsi fait à Paris, le 23 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 44.—*Meeting of Friday, June* 23, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
The Honourable Edward J. Phelps resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling the *Honourable Edward J. Phelps* continued his argument.
At 4 P.M. the Tribunal adjourned until Tuesday, the 27th June, at 11·30 A.M.
Done at Paris, the 23rd June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

Inclosure 5 in No. 93.

Protocole No. 45.—*Séance du Mardi,* 27 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
L'Honorable Edward J. Phelps reprend sa plaidoirie.
La séance est suspendue à 1 heure 30.
A la reprise, *l'Honorable Edward J. Phelps* poursuit son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 27 Juin, 1893, et ont signé :

Le Président.. .. .. .. ALPH. DE COURCEL.
L'Agent des États-Unis .. .. JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. CHARLES H. TUPPER.
Le Secrétaire .. .. .. A. IMBERT.

[English version.]

Protocol No. 45.—*Meeting of Tuesday, June* 27, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling the *Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.

Done at Paris, the 27th June, 1893, and signed:

The President .. .. .. ALPH. DE COURCEL.
The Agent for the United States .. JOHN W. FOSTER.
The Agent for Great Britain .. CHARLES H. TUPPER.
The Secretary .. .. .. A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

Inclosure 6 in No. 93.

Protocole No. 46.—*Séance du Mercredi,* 28 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

Mr. H. Cunynghame reprend ses fonctions de Co-Secrétaire, qui avaient été exercées provisoirement par Mr. Henry Hannen.

L'Honorable Edward J. Phelps continue sa plaidoirie.

La séance est suspendue à 1 heure 30.

A la reprise, *l'Honorable Edward J. Phelps* poursuit son argumentation.

La séance est levée à 4 heures et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 28 Juin, 1893, et ont signé :

Le Président.. .. .. .. ALPH. DE COURCEL.
L'Agent des États-Unis .. .. JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. CHARLES H. TUPPER.
Le Secrétaire .. .. .. A. IMBERT.

[English version.]

Protocol No. 46.—*Meeting of Wednesday, June* 28, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Mr. H. Cunynghame resumed his duties of Co-Secretary, which had been fulfilled temporarily by Mr. Henry Hannen.

The Honourable Edward J. Phelps continued his argument.

At 1·30 the Tribunal took a recess.

On reassembling, the *Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 28th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 7 in No. 93.

Protocole No. 47.—*Séance du Jeudi,* 29 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
L'Honorable Edward J. Phelps reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *l'Honorable Edward J. Phelps* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne au Lundi, 3 Juillet, à 11 heures 30.
Ainsi fait à Paris, le 29 Juin, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 47.—*Meeting of Thursday, June* 29, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
The Honourable Edward J. Phelps resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling the *Honourable Edward J. Phelps* continued his argument.
At 4 P.M. the Tribunal adjourned until Monday, the 3rd July, at 11·30 A.M.
Done at Paris, the 29th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 94.

Mr. Tupper to the Earl of Rosebery.—(*Received July* 26.)

My Lord, *Paris, July* 25, 1893.
I HAVE the honour to transmit to your Lordship copies of the official Protocol No. 41 of the proceedings before the Behring Sea Tribunal of Arbitration.
I have, &c.,
(Signed) CHARLES H. TUPPER.

Inclosure in No. 94.

Protocole No. 41.—*Séance du Mardi,* 20 *Juin,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
Sir Richard Webster continue son argumentation.
L'Agent de Sa Majesté Britannique dépose devant le Tribunal, au nom de son Gouvernement, un projet de Règlements dont le texte suit:—

" *Règlements.*

"1. Tout bâtiment employé à la chasse des phoques en mer devra se pourvoir de licences à l'un des ports indiqués ci-dessous :—

" Victoria, dans la Province de la Colombie Britannique ;

" Vancouver, dans la Province de la Colombie Britannique ;

" Port Townsend, dans le Territoire de Washington, États-Unis ;

" San-Francisco, dans l'État de Californie, États-Unis.

" 2. Ces licences ne seront accordées qu'à des bâtiments à voiles.

" 3. Il sera établi autour des Iles Pribiloff une zone de 20 milles à l'intérieur de laquelle la chasse des phoques sera interdite en toute saison.

"4. Il y aura, du 15 Septembre au 1er Juillet, une saison de clôture, pendant laquelle la chasse des phoques ne sera point permise dans la Mer de Behring.

" 5. Il ne pourra être fait usage ni de carabines ni de filets pour la chasse des phoques en mer.

" 6. Tout bâtiment employé à la chasse des phoques devra porter un pavillon distinctif.

" 7. Les patrons des bâtiments employés à la chasse des phoques devront tenir un journal ou ils relèveront avec soin les époques et les emplacements de la chasse, le nombre et le sexe des phoques capturés ; ils devront tenir un journal ou ils relèveront avec soin les époques et les emplacements de la chasse, le nombre et le sexe des phoques capturés ; ils devront faire figurer un extrait dudit journal dans leur journal de bord.

" 8. Les licences tomberont en déchéance en cas d'infraction auxdits Règlements."

La séance est suspendue à 1 heure 30.

A la reprise, *Sir Richard Webster* reprend et achève sa plaidoirie.

L'Agent de Sa Majesté Britannique dépose alors devant le Tribunal le document ci-dessous, qu'il présente, d'accord avec l'Agent des États-Unis, pour être substitué aux documents soumis antérieurement au Tribunal relativement aux Conclusions de fait :—

" *Conclusions de fait proposées par l'Agent de la Grande-Bretagne, acceptées par l'Agent des États-Unis, qui en admet l'exactitude, et soumises à l'examen du Tribunal d'Arbitrage.*

" 1. Que les diverses visites et saisies de navires ou de marchandises et les différentes arrestations de patrons et d'équipages, mentionnées respectivement dans l'Annexe au Mémoire Britannique, pages 1 à 60 inclusivement, ont été faites par autorité du Gouvernement des États-Unis. Les questions se rapportant à la valeur desdits navires ou de leur contenu, ensemble ou séparément, et la question de savoir si les navires désignés dans l'Annexe au Mémoire Britannique, ou certains d'entre eux, étaient, en totalité ou en partie, la propriété de citoyens des États-Unis, ont été retirées et n'ont pas été l'objet de l'examen du Tribunal, sous cette réserve que les États-Unis garde le droit de soulever ces questions ou quelqu'une d'entre elles, s'ils le jugent à propos, dans toute négociation ultérieure pouvant engager la responsabilité du Gouvernement des États-Unis, en ce qui touche le payement des sommes mentionnées dans l'Annexe au Mémoire Britannique.

" 2. Que les susdites saisies, sauf en ce qui concerne le "Pathfinder," saisi à Neah Bay, ont été effectuées dans la Mer de Behring, aux distances de la côte mentionnées au Tableau ci-annexé, sous la lettre (C).

" 3. Que lesdites visites et saisies de navires ont été faites par des navires armés pour le service public des États-Unis, dont les Commandants avaient reçu, toutes les fois qu'elles ont eu lieu, du Pouvoir Exécutif du Gouvernement des États-Unis, des instructions dont un exemplaire est reproduit en copie ci-après (Annexe A), les autres exemplaires desdites instructions étant conformes à ce modèle sur tous les points essentiels ; que, dans toutes les occasions où des poursuites entamées devant les Cours de District des États-Unis ont été suivies de condamnations, ces poursuites ont débuté par le dépôt d'un acte d'accusation, dont une copie est annexée ci-dessous (Annexe B), les actes d'accusation déposés dans les autres procédures étant semblables à ce modèle, en tous points essentiels ; que les actes ou délits, allégués comme motifs de ces visites et saisies, ont été accompli ou commis dans la Mer de Behring, aux distances de la côte ci-dessus indiquées ; et que dans tous les cas où une condamnation a été prononcée, excepté ceux où les navires ont été relâchés après condamnation, la saisie a été approuvée par le Gouvernement des États-Unis ; et que, dans les cas où les navires ont été relâchés, la saisie avait été opérée par autorité du Gouvernement des États-Unis, que les amendes et emprisonnements susdits ont été prononcés à raison d'infractions

aux lois nationales des Etats-Unis, infractions toutes commises dans la Mer de Behring aux distances de la côte ci-dessus indiquées.

"4. Que les différents ordres mentionnés dans l'Annexe ci-jointe sous la lettre (C), enjoignant à certains navires de quitter la Mer de Behring ou de ne pas y entrer, ont été donnés par des navires armés pour le service public des États-Unis, dont les Commandants avaient, toutes les fois qu'ils ont donné ces ordres, des instructions conforme s à celles mentionnées ci-dessus, sous le No. 3, et que les navires qui ont reçu ces injonctions étaient occupés à la chasse des phoques ou faisaient route pour entreprendre cette chasse, et que cette façon de procéder a été sanctionnée par le Gouvernement des États-Unis.

"5. Que les Cours de District des États-Unis devant lesquelles des poursuites ont été entamées ou suivies pour obtenir des condamnations contre les navires saisis dont il est fait mention dans l'Annexe au Mémoire de la Grande-Bretagne, pages 1 à 60 inclusivement, avaient tous droits de juridiction et pouvoirs appartenant aux Cours d'Amirauté, y compris la juridiction de Tribunaux de Prises, mais que, dans chaque cas particulier, la sentence prononcée par la Cour s'appuyait sur les causes mentionnées dans l'acte d'accusation."

Annexes (A) et (B).

(Pour le texte de ces Annexes, voir le Protocole 35, Annexes (A) et (B) aux Conclusions de fait présentées par l'Agent des États-Unis.)

Annexe (C).

La Table ci-dessous contient les noms des navires Britanniques employés à la chasse des phoques, qui ont été saisis ou avertis par les croiseurs du service des Douanes des États-Unis, de 1886 à 1890, et la distance approximative de la terre où ces saisies ont eu lieu, Ces distances sont indiquées, en ce qui concerne les navires "Carolena," "Thornton," et "Onward," d'après le témoignage du Commandant Abbey, de la Marine des États-Unis. (Voir 50e Congrès; 2e Session; Sénat; Documents Exécutifs, No. 106, pp. 20, 30, et 40.) Elles sont indiquées, en ce qui concerne les navires "Anna Beck," "W. P. Sayward," "Dolphin," et "Grace," d'après le témoignage du Capitaine Shepard, de la Marine du Trésor des Etats-Unis. (Livre Blue, États-Unis, No. 2, 1890, pp. 80–82. Voir Appendice au Mémoire Britannique, vol. iii.)

Nom du Navire.	Date de la Saisie.	Distance approximative de Terre au moment de la Saisie.	Navire des États-Uuis qui a fait la Saisie.
Carolena	1er Août, 1886	75 milles	Corwin.
Thornton	1er Août, 1886	70 „	Idem.
Onward	2 Août, 1886	115 „	Idem.
Favourite	2 Août, 1886	Averti par le "Corwin," à peu près dans la même position que le "Onward."	
Anna Beck	2 Juillet, 1887	66 milles	Rush.
W. P. Seyward	9 Juillet, 1887	59 „	Idem.
Dolphin	12 Juillet, 1887	40 „	Idem.
Grace	17 Juillet, 1887	96 „	Idem.
Alfred Adams	10 Août, 1887	62 „	Idem.
Ada	25 Août, 1887	15 „	Bear.
Triumph	4 Août, 1887	Averti par le "Rush" de ne pas entrer dans la Mer de Behring.	
Juanita	31 Juillet, 1889	66 milles	Rush.
Pathfinder	29 Juillet, 1889	50 „	Idem.
Triumph	11 Juillet, 1889	Averti par le "Rush" d'avoir à quitter la Mer de Behring.—Position au moment de l'avertissement: (?)	
Black Diamond	11 Juillet, 1889	35 milles	Idem.
Lily	6 Août, 1889	66 „	Idem.
Ariel	30 Juillet, 1889	Averti par le "Rush" d'avoir à quitter la Mer de Behring.	
Kate	13 Août, 1889	Averti par le "Rush" d'avoir à quitter la Mer de Behring.	
Minnie	15 Juillet, 1889	65 milles	Idem.
Pathfinder	27 Mars, 1890	Saisi dans la Baie de Neah.*	Corwin.

* La Baie de Neah est située dans l'État de Washington, et le "Pathfinder" y a été saisi, du chef de délits commis par lui dans la Mer de Behring l'année précédente. Ce bâtiment fut relâché deux jours plus tard.

Mr. Christopher Robinson commence ensuite son argumentation sur la question des Règlements.

La séance est levée à 4 heures et le Tribunal s'ajourne au lendemain à 11 heures 30.

Ainsi fait à Paris, le 20 Juin, 1892, et ont signé:

Le Président.	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 41.—*Meeting of Tuesday, June* 20, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

Sir Richard Webster continued his argument.

The Agent of Her Britannic Majesty laid before the Tribunal a scheme of Regulations worded as follows:—

"*Regulations.*

"1. All vessels engaging in pelagic sealing shall be required to obtain licences at one or other of the following ports:—

"Victoria, in the Province of British Columbia.

"Vancouver, in the Province of British Columbia.

"Port Townsend, in Washington Territory, in the United States.

"San Francisco, in the State of California, in the United States.

"2. Such licences shall only be granted to sailing-vessels.

"3. A zone of 20 miles around the Pribyloff Islands shall be established, within which no seal hunting shall be permitted at any time.

"4. A close season, from the 15th September to the 1st July, shall be established, during which no pelagic sealing shall be permitted in Behring Sea.

"5. No rifles or nets shall be used in pelagic sealing.

"6. All sealing-vessels shall be required to carry a distinguishing flag.

"7. The masters in charge of sealing-vessels shall keep accurate logs as to the times and places of sealing, the number and sex of the seals captured, and shall enter an abstract thereof in their official logs.

"8. Licences shall be subject to forfeiture for breach of above Regulations."

At 1·30, the Tribunal took a recess.

On reassembling, *Sir Richard Webster* resumed and concluded his argument.

The Agent of Her Britannic Majesty then presented to the Tribunal the following paper, which by agreement with the Agent of the United States, was submitted as a substitute for the papers heretofore presented as to Findings of fact:—

"*Findings of fact proposed by the Agent of Great Britain, and agreed to as proved by the Agent for the United States, and submitted to the Tribunal of Arbitration for its consideration.*

"1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule to the British Case, p. 1 to 60 inclusive, were made by the authority of the United States' Government. The questions as to the value of the said vessels or their contents or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from, and have not been considered by, the Tribunal, it being understood that it is open to the United States to raise these questions or any of them, if they think fit, in any future negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule to the British Case.

"2. That the seizures aforesaid, with the exception of the "Pathfinder," seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto, marked (C).

"3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were made, from the Executive Department of the Government of the

United States, instructions, a copy of one of which is annexed hereto, marked (A), and that the others were in all substantial respects the same: that in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked (B) and that the libels in the other proceedings were in all substantial respects the same: that the alleged acts or offences for which said several searches and seizures were made were in each case done or committed in Behring Sea at the distance from shore aforesaid: and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States: and in those cases in which the vessels were released, the seizure was made by the authority of the United States. That the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea at the distances from the shore aforesaid.

"4. That the several orders mentioned in the Schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea, were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were given, like instructions as mentioned in Finding 3, above proposed, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States.

"5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pp. 1 to 60 inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the Prize Jurisdiction; but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel."

Annexes (A) and (B).

(For the text of these Annexes, see Protocol 35, Annexes (A) and (B) to the Findings of fact submitted by the Agent of the United States.)

Annex (C).

The following Table shows the names of the British sealing-vessels seized or warned by United States revenue cruizers, 1886–90, and the approximate distance from land when seized. The distances assigned in the cases of the "Carolena," "Thornton," and "Onward" are on the authority of United States' Naval Commander Abbey. (See 50th Congress, 2nd Session, Senate Executive Documents, No. 106, pp. 20, 30, and 40.) The distances assigned in the cases of the "Anna Beck," "W. P. Sayward," "Dolphin," and "Grace" are on the authority of Captain Shepard, United States' Royal Marine. (Blue Book, United States, No. 2, 1890, pp. 80, 82. See Appendix, vol. iii.)

Name of Vessel.	Date of Seizure.	Approximate distance from Land when seized.	United States' Vessel making Seizure.
Carolena	August 1, 1886	75 miles	Corwin.
Thornton	August 1, 1886	70 „	Corwin.
Onward	August 2, 1886	115 „	Corwin.
Favourite	August 2, 1886	Warned by "Corwin" in about same position as "Onward,"	
Anna Beck	July 2, 1887	66 miles	Rush.
W. P. Sayward	July 9, 1887	59 „	Rush.
Dolphin	July 12, 1887	40 „	Rush.
Grace	July 17, 1887	96 „	Rush.
Alfred Adams	August 10, 1887	62 „	Rush.
Ada	August 25, 1887	15 „	Bear.
Triumph	August 4, 1887	Warned by "Rush" not to enter Behring Sea.	
Juanita	July 31, 1889	66 miles	Rush.
Pathfinder	July 29, 1889	50 „	Rush.
Triumph	July 11, 1889	Ordered out of Behring Sea by "Rush. (?) As to position when warned.	
Black Diamond	July 11, 1889	35 miles	Rush.
Lily	August 6, 1889	66 „	Rush.
Ariel	July 30, 1889	Ordered out of Behring Sea by "Rush."	
Kate	August 13, 1889	Ditto.	Rush.
Minnie	July 15, 1889	65 miles	Rush.
Pathfinder	March 27, 1890	Seized in Neah Bay*	Corwin.

* Neah Bay is in the State of Washington, and the "Pathfinder" was seized there on charges made against her in Behring Sea in the previous year. She was released two days later.

Mr. Christopher Robinson then began his argument on the question of Regulations.
At 4 P.M. the Tribunal adjourned to the next day, at 11·30 A.M.
Done at Paris, the 20th June, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, *Co-Secretary.*
HENRY A. HANNEN, *Acting Co-Secretary.*

No. 95.

Mr. Tupper to the Earl of Rosebery.—(Received July 26.)

My Lord, *Paris, July 25, 1893.*

I HAVE the honour to report that on the close of the United States' argument on the 8th instant, I took immediate steps for dispensing with the services of as many as possible of the staff employed here during this Arbitration.

Mr. Piggott and Mr. Froude accordingly left on the 9th instant.

In consequence, however, of the necessity of having in readiness further information on certain points connected with seal-life, I deemed it advisable to retain Dr. Dawson's services for a short period longer. I also thought it best that Mr. Charles Russell should remain for the purpose of assisting Dr. Dawson, and of finishing the revision of the shorthand notes.

Dr. Dawson having completed his work left here on the 21st instant, and Mr. Russell took his departure on the following day.

The only members of the staff now remaining here are Mr. Maxwell and Mr. Pope.

I have, &c.,
(Signed) CHARLES H. TUPPER.

No. 96.

Mr. Tupper to the Earl of Rosebery.—(Received August 5.)

My Lord, *Paris, August 4, 1893.*

I HAVE the honour to transmit copies of the official Protocols Nos. 48, 49, 50, 51, 52, and 53, recording the proceedings before the Behring Sea Arbitration Tribunal.

I have, &c.
(Signed) CHARLES H. TUPPER.

Inclosure 1 in No. 96.

Protocole No. 48.—Séance du Lundi, 3 Juillet, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
L'Honorable Edward J. Phelps reprend sa plaidoirie.
La séance est suspendue à 1 heure 30.
A la reprise, *l'Honorable Edward J. Phelps* continue son argumentation.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 3 Juillet, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 48.—*Meeting of Monday, July* 3, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
The Honourable Edward J. Phelps resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *the Honourable Edward J. Phelps* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 3rd July, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 2 in No. 96.

Protocole No. 49.—*Séance du Mardi,* 4 *Juillet,* 1893.

LE Tribunal s'est réuni at 11 heures 30, tous les Arbitres étant présents.
L'Honorable Edward J. Phelps reprend son argumentation.
La séance est suspendue à 1 heure 30.
A la reprise, *l'Honorable Edward J. Phelps* continue sa plaidoirie.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 4 Juillet, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 49.—*Meeting of Tuesday, July* 4, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
The Honourable Edward J. Phelps resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *the Honourable Edward J. Phelps* continued his argument.
At 4 P.M the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 4th July, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 3 in No. 96.

Protocole No. 50.—*Séance du Mercredi,* 5 *Juillet,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
L'Honorable Edward J. Phelps continue sa plaidoirie.
La séance est suspendue à 1 heure 30.
A la reprise, *l'Honorable Edward J. Phelps* poursuit son argumentation.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 5 Juillet, 1893, et ont signé :

Le Président.. .. .. .. ALPH. DE COURCEL.
L'Agent des États-Unis .. .. JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. CHARLES H. TUPPER.
Le Secrétaire .. .. .. A. IMBERT.

[English version.]

Protocol No. 50.—*Meeting of Wednesday, July* 5, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
The Honourable Edward J. Phelps resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *the Honourable Edward J. Phelps* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 5th July, 1893, and signed :

The President .. .. .. ALPH. DE COURCEL.
The Agent for the United States .. JOHN W. FOSTER.
The Agent for Great Britain .. CHARLES H. TUPPER
The Secretary .. .. .. A. IMBERT.

Translation certified to be accurate :
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 4 in No. 96.

Protocole No. 51.—*Séance du Jeudi,* 6 *Juillet,* 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.
L'Honorable Edward J. Phelps reprend sa plaidoirie.
La séance est suspendue à 1 heure 30.
A la reprise, *l'Honorable Edward J. Phelps* continue son argumentation.
A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 11 heures 30.
Ainsi fait à Paris, le 6 Juillet, 1893, et ont signé :

Le Président.. .. .. .. ALPH. DE COURCEL.
L'Agent des États-Unis .. .. JOHN W. FOSTER.
L'Agent de la Grande-Bretagne .. CHARLES H. TUPPER.
Le Secrétaire .. .. .. A. IMBERT.

[English version.]

Protocol No. 51.—*Meeting of Thursday. July* 6, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.
The Honourable Edward J. Phelps resumed his argument.
At 1·30 the Tribunal took a recess.
On reassembling, *the Honourable Edward J. Phelps* continued his argument.
At 4 P.M. the Tribunal adjourned to the next day at 11·30 A.M.
Done at Paris, the 6th July, 1893, and signed :

The President .. .. .. ALPH. DE COURCEL.
The Agent for the United States .. JOHN W. FOSTER.
The Agent for Great Britain .. CHARLES H. TUPPER
The Secretary .. .. .. A. IMBERT.

Translation certified to be accurate :
(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 5 in No. 96.

Protocole No. 52.—Séance du Vendredi, 7 Juillet, 1893.

LE Tribunal s'est réuni à 11 heures 30, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend son argumentation.

La séance est suspendue à 1 heure 30.

A la reprise, *l'Honorable Edward J. Phelps* continue sa plaidoirie.

A 4 heures la séance est levée et le Tribunal s'ajourne au lendemain à 2 heures de l'après-midi.

Ainsi fait à Paris, le 7 Juillet, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 52.—Meeting of Friday, July 7, 1893.

THE Tribunal assembled at 11·30 A.M., all the Arbitrators being present.

The Honourable Edward J. Phelps resumed his argument.

At 1·30 the Tribunal took a recess.

On reassembling, *the Honourable Edward J. Phelps* continued his argument.

At 4 P.M. the Tribunal adjourned to the next day at 2 P.M.

Done at Paris, the 7th July, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

Inclosure 6 in No. 96.

Protocole No. 53.—Séance du Samedi, 8 Juillet, 1893.

LE Tribunal s'est réuni à 2 heures, tous les Arbitres étant présents.

L'Honorable Edward J. Phelps reprend et achève sa plaidoirie.

Sir Charles Russell, au nom de ses collègues, remercie les membres du Tribunal de la bienveillante attention avec laquelle ils ont suivi ces longs débats. Il remercie également le Secrétaire, les Co-Secrétaires, et Secrétaires-Adjoints du Tribunal, ainsi que les Secrétaires particuliers des Arbitres de leur obligeant et utile concours.

L'Honorable Edward J. Phelps s'associe aux paroles de Sir Charles Russell, au nom des Conseils du Gouvernement des États-Unis. Il se fait l'interprète de tous ses collègues en rendant hommage à la compétence et à la courtoisie avec lesquelles le Président a dirigé les discussions et renouvelle l'expression de leur gratitude pour l'hospitalité de la France.

Le Président annonce alors que le Tribunal va prendre l'affaire en délibéré.

Sir Charles Russell et *l'Honorable Edward J. Phelps* témoignent le désir qu'au cas où le Tribunal, durant ses délibérations, croirait devoir s'adresser aux Conseils pour obtenir d'eux quelque éclaircissement, la demande et la réponse aient lieu par écrit.

Le Président répond que le Tribunal tiendra compte de ce désir dans la mesure du possible, sans renoncer toutefois au droit que lui donne le Traité de requérir toutes informations orales, écrites ou im[illegible]imées qu'il jugera utile.

L'Agent de Sa Majesté Britannique fait connaître qu'il restera à Paris, ainsi que l'Agent des États-Unis, à la disposition du Tribunal.

A 4 heures la séance est le[illegible]e.

Ainsi fait à Paris, le 8 Juillet, 1893, et ont signé:

Le Président..	ALPH. DE COURCEL.
L'Agent des États-Unis	JOHN W. FOSTER.
L'Agent de la Grande-Bretagne ..	CHARLES H. TUPPER.
Le Secrétaire	A. IMBERT.

[English version.]

Protocol No. 53.—*Meeting of Saturday, July* 8, 1893.

THE Tribunal assembled at 2 P.M., all the Arbitrators being present.

The Honourable Edward J. Phelps continued and concluded his argument.

Sir Charles Russell, in the name of his colleagues, thanked the members of the Tribunal for the kind attention with which they had followed the lengthy debates. He also thanked the Secretary, Co-Secretaries, and Assistant Secretaries of the Tribunal, as well as the Private Secretaries of the Arbitrators, for their obliging and useful assistance.

The Honourable Edward J. Phelps indorsed the remarks of Sir Charles Russell in the name of Counsel for the Government of the United States. He referred, on behalf of all his colleagues, to the ability and courtesy with which the President had directed the discussions, and he renewed the expression of their gratitude for the hospitality of France.

The President thereupon announced that the Tribunal would take the case under consideration.

Sir Charles Russell and *the Honourable Edward J. Phelps* expressed their desire that in case the Tribunal, during its deliberations, should find it necessary to obtain from Counsel any further information, the request for such information and the answer thereto should be in writing.

The President replied that the Tribunal would take note of the request as far as possible, without however surrendering the right given it by the Treaty of requiring all such information, whether oral, written, or printed, as it might deem useful.

The Agent of Her Britannic Majesty announced that the Agent of the United States and he would remain in Paris at the disposition of the Tribunal.

At 4 P.M. the Tribunal adjourned.

Done at Paris, the 8th July, 1893, and signed:

The President	ALPH. DE COURCEL.
The Agent for the United States ..	JOHN W. FOSTER.
The Agent for Great Britain ..	CHARLES H. TUPPER.
The Secretary	A. IMBERT.

Translation certified to be accurate:

(Signed) A. BAILLY-BLANCHARD, H. CUNYNGHAME, } *Co-Secretaries.*

No. 97.

Mr. Tupper to the Earl of Rosebery.—(*Received August* 14.)

(Extract.) *Paris, August* 12, 1893.

WITH reference to your Lordship's despatch of the 15th April last and previous correspondence, I have the honour to transmit herewith a copy of a letter which I addressed to Baron de Courcel on the subject of the withdrawal of the United States' Agent from the joint arrangement for preparing and printing short-hand notes of the proceedings before the Tribunal.

I communicated a copy of this letter to Mr. Foster.

It appeared to me that, as these reports had been of obvious utility to the Arbitrators, the cost of their production might fairly be included among the expenses which, under Article XII of the Treaty of Arbitration, are to be shared in equal

moieties by the two Governments, and, having failed to agree with the United States' Agent on the subject, I deemed it advisable to obtain an expression of opinion from the Tribunal itself.

Mr. Foster, on receiving copy of my letter to Baron de Courcel, wrote in his turn a note to his Excellency (which he communicated to me, and of which a copy is inclosed), setting forth his reasons for dissenting from my views on the subject.

Baron de Courcel has now replied, and I have the honour to inclose an extract from his letter, the rest of which deals with another subject. Your Lordship will observe that the Arbitrators establish the utility of these reports. At the same time they do not consider themselves competent to examine by whom, and in what manner, the expenses ought to be met.

Inclosure 1 in No. 97.

Mr. Tupper to Baron de Courcel.

Dear Baron de Courcel, *Paris, August* 8, 1893.

YOU will remember that shortly after the commencement of the proceedings before the Tribunal the United States' Government withdrew from the joint arrangement for preparing and printing short-hand notes of the oral arguments.

The correspondence which passed on this subject between the United States' Agent and myself, and a statement showing General Foster's reasons for withdrawing were laid before the Tribunal, and will be found on pp. 507 and 508 of Part III of the Reports of Proceedings.

Since the withdrawal of the United States' Government, which was finally announced on the 12th April, the reports have been continued under the supervision of the British staff, and at the sole expense of Her Majesty's Government.

In recommending this course to Lord Rosebery I was to a large extent influenced by the consideration that verbatim reports of the daily proceedings would be not only convenient, but necessary, for the members of the Tribunal. From some expressions used by yourself at the meeting of the 7th April (see Report of Proceedings, Part I, p. 148), I feel sure that you have appreciated their usefulness, and the constant reference which has been made to them by the other Arbitrators confirms my opinion as to their general utility to the Tribunal.

Under the circumstances, I venture to suggest through you that the Arbitrators should consider whether the cost of preparing these reports might not be fairly included as one of the expenses of the Tribunal. The XIIIth Article of the Treaty requires the Arbitrators "to keep an accurate record of their proceedings, and to employ the necessary officers to assist them," and in Article XII it is stated that after the payment by each Government of remuneration to their respective Agents and Counsel, and of the cost of preparing and submitting their several Cases, "All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moieties."

In case this suggestion should meet with the approval of the Arbitrators, it would of course be understood that Her Majesty's Government would bear their share of the expenses incurred by the United States in producing the reports of the speeches of their Counsel which they have presented to the Tribunal, in addition to those supplied by the British side.

I regret that I have been unable, as shown in the correspondence referred to above, to come to any agreement with the United States' Agent on the subject, and this must be my excuse for troubling you with this reference.

I have forwarded a copy of this letter to Mr. Foster.

I am, &c.

(Signed) CHARLES H. TUPPER.

Inclosure 2 in No. 97.

Mr. Foster to Baron de Courcel.

Dear Sir, *Paris, August* 9, 1893.

I HAVE received from the Honourable C. H. Tupper, Agent of the British Government, a copy of a communication dated the 8th instant, and addressed by him to you, containing a request respecting the expenses incurred by him in preparing a report of the oral argument of Counsel before the Tribunal. This communication compels me to address you on the subject.

The suggestion of the Agent of the British Government seems to be that the Arbitrators should in some manner, directly or indirectly, by their own action, impose upon the Government of the United States a part of the expense incurred by him in printing a report of the proceedings before the Tribunal, including the arguments of Counsel. This seems to me to be very extraordinary, and I can in no manner assent to it.

If the expense had been incurred in pursuance of some agreement between the parties, there would have been no occasion to trouble the Tribunal with any suggestion concerning its payment. If it had been incurred in pursuance of some direction or authority of the Tribunal, it would be very proper for that body to consider how it should be defrayed.

But it has been incurred in neither of these modes. This report has been made solely under the authority of the Agent of Great Britain without my authority or consent. It has never been subjected to any revision by me or any one under my authority, has never been furnished to me or to the Counsel of the United States, and is, so far as it has been made known to me by the use made of it in argument by the Counsel for the British Government, erroneous and imperfect. I cannot therefore consent to its adoption as a report of the proceedings of, and arguments before, the Tribunal.

I was not unwilling at the outset of the sessions that a joint arrangement should be made, whereby an accurate report of the proceedings of, and arguments before, the Tribunal should be furnished for the use of the Arbitrators and Counsel, as well as for the purposes of a permanent record. It is not necessary here to enter upon any statement of the circumstances which led to a failure to make such an arrangement. It is enough to say that to call upon the United States to contribute to the expense incurred would imply that the Agent of Great Britain had the right, after failing to secure the assent of the United States to the plan of reporting proposed by him, to proceed and execute that plan without the assent of the United States, and without any supervision on its part, and that the United States was bound to contribute to the expense although it had received no copies of the full report.

It seems to me quite unnecessary to dwell upon the incorrectness of such a position.

I am, &c.
(Signed) JOHN W. FOSTER.

Inclosure 3 in No. 97.

Baron de Courcel to Mr. Tupper.

(Extract.) *Paris, August* 11, 1893.

DURING a private meeting held by the members of the Tribunal of Arbitration I submitted to my colleagues the note which you were so kind as to address to me concerning the short-hand reports of the Tribunal's proceedings and the mode of defraying the expense necessary for getting up those reports.

My colleagues concurred with me that those reports had been practically very useful to all of us, and had helped us in our work, and that we were under real obligations to all the persons who had taken the trouble to prepare such reports. As to the question of the cost thereby incurred, the Arbitrators did not deem themselves competent to examine by whom, and in what manner, it ought to be met.

No. 98.

Mr. Tupper to the Earl of Rosebery.—(*Received August* 16.)

My Lord, *Paris, August* 15, 1893.

I HAVE the honour to transmit to your Lordship the decision of the Behring Sea Tribunal of Arbitrators which has been delivered to me this day in accordance with Article XI of the Treaty of the 29th February, 1892.*

I have, &c.

(Signed) CHARLES H. TUPPER.

No. 99.

Mr. Tupper to the Earl of Rosebery.—(*Received August* 16.)

My Lord, *Paris, August* 15, 1893.

THE final duty now devolves upon me as Her Majesty's Agent to record an official acknowledgment of the services of those gentlemen with whom I have been associated.

I esteem it a privilege to testify to the great value of the assistance which I have derived from the support and counsel of Sir Charles Russell, whose masterly argument will ever remain a monument of learning and forensic skill. His conduct of the case of the Government of the Queen left nothing to be desired.

The Attorney-General was ably supported by Sir Richard Webster. I may be permitted to indorse the sentiments so happily expressed by the President of the Tribunal at the close of Sir Richard's argument.

"Sir Richard," said Baron de Courcel, "we thank you for the very substantial and useful observations with which you have supplemented the argument of Sir Charles Russell. We knew how much we were indebted to you already for the elaborate study you have made of this case on behalf of Great Britain, and I, for one, have very much admired the unrestricted and friendly co-operation of yesterday's Attorney-General with to-day's Attorney-General. The country is indeed to be envied where party spirit admits of such brotherly association when the national interest is at stake."

Mr. Christopher Robinson assisted in a signal manner, and fully justified his special nomination by the Government of Canada.

Although I propose in this despatch to confine my observations chiefly to those who attended the Arbitration proceedings at Paris, I wish to refer to the late Honourable W. H. Cross, one of the Counsel originally employed on behalf of Her Majesty's Government. His untimely death is deeply to be deplored. Mr. Cross' ability I fully recognized and appreciated, while his genial disposition had endeared him to all his associates.

I have already alluded to the services of Mr. M. H. Box, and I have only to add that those of Mr. F. T. Piggott were equally valuable.

Sir George Baden-Powell and Dr. G. M. Dawson have been constantly consulted, and their advice has been of great value.

Dr. Dawson attended at Paris. It gives me pleasure to bear witness to his indefatigable industry, which was coupled with a complete mastery of the subject of seal life.

Mr. Maxwell, as Secretary of my Staff, made himself exceedingly useful in every way, and I gratefully acknowledge his kindly and ready assistance. His intimate acquaintance with the French language has been most convenient to me, as well as to the public advantage.

Mr. Charles Russell's services have also been of great benefit. In addition to the important work which came regularly under his attention as solicitor, he, with the assistance of Mr. Piggott, undertook the laborious task of revising and superintending the printing of the stenographic notes of the proceedings before the Tribunal.

Mr. Anderson, of the Colonial Office, who, as your Lordship is aware, was conversant with all the facts of this case, rendered material aid.

I have also to commend the diligence and zeal evinced by Mr. Ashley

* For copy of the decision inclosed in this despatch see "United States No. 10 (1893)."

Froude, C.M.G., Mr. Joseph Pope, and Mr. James Macoun, and to express my appreciation of the readiness with which these gentlemen have at all times striven to facilitate the business of the Agency. In fact, the members of the General Staff have vied with one another in their endeavour to promote the common cause.

The services rendered by Mr. G. F. Fairholme, of the Foreign Office, in the matter of the Russian translations, call for special mention. I may also refer to the excellent work done by him, as well as by Mr. H. Farnall and Mr. E. A. Crowe, as French translators generally, which has evoked from the President of the Tribunal an expression of admiration.

In thus acknowledging the valuable aid which I have received from those more immediately connected with the Arbitration at Paris, I am not unmindful of the fact that there are others, whether serving under your Lordship or the Secretary of State for the Colonies, or in the employ of the Canadian Government, whose assistance in the laborious work of the preparation of this case merits recognition.

As Minister of Marine and Fisheries of Canada, it will be my pleasure and my duty to represent to his Excellency the Governor-General with more particularity my sense of the important services which have been rendered by officers of the Canadian Civil Service, whose names do not appear in this despatch. In the meantime, I content myself with this general allusion.

I cannot, however, close these observations without expressing to your Lordship my warm appreciation of the advantage which I have derived from association with Sir Thomas Sanderson, of whose knowledge and experience I have fully availed myself at every stage of the case. Indeed, I find a difficulty adequately to express my gratitude to him for the readiness he has ever shown to assist me in the performance of those honourable duties with which I have been charged.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 100.

Mr. Tupper to the Earl of Rosebery.—(Received August 16.)

My Lord, *Paris, August 15, 1893.*

I HAVE the honour to report that the decision of the Tribunal having been delivered to me, I propose to leave Paris this day, and to sail for Canada on the 17th instant.

I have asked Mr. Maxwell to remain here for a few days to wind up the business of this Agency.

I have, &c.
(Signed) CHARLES H. TUPPER.

No. 101.

*The Earl of Rosebery to the Marquis of Dufferin.**

My Lord, *Foreign Office, August 29, 1893.*

THE Arbitrators appointed under the Treaty of Washington of the 29th February, 1892, for the examination of the various questions that had arisen in connection with the fur-seal fishing industry in parts of Behring Sea and the North Pacific Ocean, have pronounced and published their Award on the 15th instant.

I have now received the Queen's commands to request that your Excellency will convey to the President of the French Republic Her Majesty's acknowledgments of the great ability and unremitting attention displayed during the prolonged proceedings of the Tribunal by Baron de Courcel, the eminent Statesman nominated by the President as one of the Arbitrators on the Tribunal.

The examination of the voluminous documents laid before them, and the difficulties surrounding the questions on which they were occupied, have imposed on each one of the Arbitrators a considerable sacrifice of time and personal convenience and a large amount of personal labour.

* Similar despatches were addressed to Her Majesty's Representatives at Rome, Stockholm, and Washington.

I request that you will submit to the President of the French Republic the hope of Her Majesty that her acknowledgements may be conveyed to Baron de Courcel for the valuable services which he has rendered on this occasion.

I am, &c.
(Signed) ROSEBERY.

No. 102.

The Earl of Rosebery to the Marquis of Dufferin.

My Lord, *Foreign Office, August* 29, 1893.

IN addition to the obligations conferred on this country by the President of the French Republic in the selection of an eminent Statesman to act as one of the Arbitrators on the Behring Sea Seal Fisheries question, the President and the Government of the French Republic have shown a marked courtesy and magnificent hospitality to the members of the Tribunal and to the British and American gentlemen who have been engaged in the proceedings before it.

I request that you will take a fitting opportunity of conveying to the President and to M. Develle the best acknowledgments of Her Majesty's Government for the attention and kindness shown to the British members of the Court of Arbitration during the prolonged period over which its sittings have extended. The reception accorded to these gentlemen has been mentioned by them with the warmest expressions of gratitude, and has been a cause of sincere gratification to the Queen and her Government as an evidence of cordiality, no less than of the generosity with which the French nation always treats its guests.

I am, &c.
(Signed) ROSEBERY.

No. 103.

The Earl of Rosebery to Mr. Tupper.

Sir, *Foreign Office, August* 29, 1893.

I HAVE to acknowledge the receipt of your despatch of the 15th instant, inclosing the Award delivered on that day by the Behring Sea Tribunal of Arbitration, and of your further despatch of the same date, in which you call attention to the services of the several gentlemen associated with you in the proceedings before the Tribunal.

I have received the Queen's commands to signify to you, and to those who have worked with you, Her Majesty's gracious approval of the zeal and ability with which you have maintained the interests of this country and of Her Majesty's subjects in the important matters which were submitted for decision.

I have conveyed to the Attorney-General and to Sir Richard Webster the cordial acknowledgments of Her Majesty's Government for the manner in which they have presented the Case of Her Majesty's Government before the Tribunal, and I must request you to offer the same acknowledgments on their behalf to Mr. C. Robinson, Q.C., of the Canadian Bar.

I note with entire sympathy and agreement the tribute which you pay to the ability of the late Mr. W. H. Cross, whose premature death was a subject of deep regret.

I have to request that you will assure Dr. Dawson of the great value attached by Her Majesty's Government to the assistance which he has rendered throughout the Arbitration, and their appreciation of the learning, ability, and patient industry which he has shown in collecting and placing at the disposal of those charged with the conduct of the British Case the information required for the elucidation of the various questions of geography and natural history involved in the argument.

I shall offer a similar acknowledgment to Sir G. Baden-Powell.

It has afforded me sincere gratification to read the testimony you bear to the efficient aid received by you from the other gentlemen employed at Paris, and to the assistance which has been rendered to you by various members of this Department.

I am, &c.
(Signed) ROSEBERY.

No. 104.

*The Earl of Rosebery to Lord Hannen.**

My Lord, *Foreign Office, August* 29, 1893.

THE labours of the Tribunal of Arbitration appointed under the Treaty of Washington of the 29th February, 1892, having been now closed, and their Award delivered on the 15th instant, I have received the Queen's commands to convey to you Her Majesty's acknowledgments for your services as one of the Arbitrators, and her appreciation of the zeal and ability you have shown in that office.

Her Majesty recognizes that your duties, involving as they have done the closest attention during a prolonged period of time, were undertaken at considerable personal inconvenience and from a strong sense of public duty.

I have pleasure in asking you to accept also the sincere thanks of Her Majesty's Government for the valuable services you have rendered to the country on this important occasion.

I am, &c.
(Signed) ROSEBERY.

No. 105.

The Earl of Rosebery to Sir C. Russell.†

Sir, *Foreign Office, August* 29, 1893.

THE proceedings of the Behring Sea Arbitration having now been concluded, and the Award having been delivered by the Arbitrators, I have much pleasure in offering to you the sincere thanks of Her Majesty's Government for the eminent services you have rendered in connection with the Arbitration, and in assuring you how greatly they appreciate the patience and industry shown in the preparation of the pleadings, and the signal ability with which the British Case has been argued by you as Her Majesty's Counsel before the Tribunal.

I am, &c.
(Signed) ROSEBERY.

No. 106.

The Earl of Rosebery to Sir G. Baden-Powell.

Sir, *Foreign Office, August* 29, 1893.

THE proceedings of the Behring Sea Arbitration having now been concluded, and the Award having been delivered, I have much pleasure in offering to you the best thanks of Her Majesty's Government for the valuable assistance which you have rendered during the preparation of the pleadings, by placing at the disposal of those charged with the conduct of the British Case your exceptional and extensive knowledge of the habits of the fur-seal, and of the various questions connected with the seal fishery.

Her Majesty's Government are fully sensible of the zeal and public spirit which you have shown in the discharge of this task, which was voluntarily undertaken by you, and of the amount of labour which it has entailed.

I am, &c.
(Signed) ROSEBERY.

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* Also to Sir J. Thompson. † Also to Sir R. Webster.

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No. 107.

Lord Hannen to the Earl of Rosebery.—(*Received September* 8.)

My Lord, 49, *Lancaster Gate, London, September* 6, 1893.

I AM honoured by your Lordship's letter of the 29th ultimo, in which you inform me that you have received the Queen's commands to convey to me Her Majesty's acknowledgments for my services as one of the Arbitrators under the Treaty of the 29th February, 1892. I desire to express my respectful gratitude for the gracious terms of approval with which those acknowledgments are accompanied. They will remain for me a source of legitimate pride to the end of my life. It is also a subject of great satisfaction to me that my services have been deemed worthy of the thanks of Her Majesty's Government. I trust that the labours I have been engaged in will prove beneficial, not only to this country on the present occasion, but to the interests of peace throughout the world.

I have, &c.
(Signed) HANNEN.

No. 108.

Sir C. Russell to the Earl of Rosebery.—(*Received September* 8.)

My Lord, *Lincoln's Inn, London, September* 8, 1893.

I BEG to acknowledge your Lordship's favour of the 28th ultimo, in which you are good enough to convey to me the thanks of Her Majesty's Government for my services in the Behring Sea Arbitration. I thank your Lordship; but I should like to be permitted to say how much the Counsel representing the interests of Great Britain were indebted to the gentlemen connected with the Foreign Office for most valuable help in their labours. I refer, I need scarcely say, in an especial manner to Sir Thomas Sanderson, whose wise counsel and criticism in the preparation of the Case, Counter-Case, and Argument we valued highly; but I refer also to the unremitting help and attention of Mr. R. P. Maxwell and of Mr. Ashley Froude.

I have, &c.
(Signed) C. RUSSELL.